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FORT LAUDERDALE CITY COMMISSION
DECEMBER 12, 2000**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
DECEMBER 12, 2000**

Meeting was called to order at 6:06 P.M. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Gloria F. Katz
Commissioner Carlton B. Moore
Commissioner Cindi Hutchinson
Commissioner Tim Smith
Mayor Jim Naugle

Absent: None

Also Present:	City Manager	F. T. Johnson
	City Attorney	Dennis E. Lyles
	City Clerk	Lucy Masliah
	Sergeant At Arms	Sergeant Spencer

Invocation was offered by *Rabbi Moishe Meir Lipszyc*, Chabad Lubavitch of Fort Lauderdale

The Girl Scouts performed their Flashlight Ceremony and led the Pledge of Allegiance.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson that the agenda and minutes of the meeting as shown below be approved:

Regular Meeting November 21, 2000

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle.
NAYS: none.

Note: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

Presentations (OB)

1. Expressions of Sympathy

Mayor Naugle presented Expressions of Sympathy, on behalf of the City Commission, to the families of *Ray Frank* and *Al Morese*.

2. Smoke Detector Test

Commissioner Smith demonstrated the proper method of testing the batteries in a smoke detector and encouraged everyone at home to do the same. Mayor Naugle noted this was particularly important at this time of year when there were more hazards to consider than usual.

3. Commendation – “Rick Case Bike for Kids Day”

Commissioner Katz read aloud and presented a Commendation for “Rick Case Bike for Kids Day” to be observed on December 15, 2000. She advised that this program was in its 19th year and worked in conjunction with the local Boys and Girls Clubs to repair and restore pre-owned bicycles for distribution during the holiday season to needy children. *Mr. Rick Case* expressed appreciation for this recognition and thanked the citizens of Fort Lauderdale for their support and assistance over the past 19 years.

4. Outstanding City Employees of the Month

The City Manager introduced Department Directors to present the Outstanding City Employees of the Month:

- Officer John Curry and PSA Suzanne Corey, of the Police Department;
- Liz Holt, of the Public Services Department;
- Bob Stried, of the Parks & Recreation Department; and
- Firefighters/Paramedics John J. Heiser and Timothy C. Heiser, of the Fire-Rescue Department.

CONSENT AGENDA (CA)

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read aloud:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require detailed review or discussion. Items will be enacted by one motion; if discussion is desired by any Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

Event Agreement – New Times 4th Annual Beer Fest (M-1)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Old Town Himmarshee Merchants Association** to indemnify, protect, and hold harmless the City from any liability in connection with the **New Times 4th Annual Beer Fest** to be held **Friday, January 12, 2001 from 6:00 p.m. to 10:00 p.m.**; and further authorizing the closing of S.W. 3 Avenue from Broward Boulevard to S.W. 2 Street from 10:00 a.m. Friday, January 12 to 2:00 a.m. Saturday, January 13, 2001.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1759 from City Manager.

Event Agreement – Las Olas Wine Festival (M-2)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **American Lung Association** to indemnify, protect, and hold harmless the City from any liability in connection with the **Las Olas Wine Festival** to be held **Thursday, March 22, 2001 from 7:00 p.m. to 9:00 p.m.**; and further authorizing the closing of East Las Olas Boulevard from S.E. 6 Avenue to S.E. 11 Avenue, and S.E. 8 Avenue, S.E. 9 Avenue and S.E. 10 Terrace from East Las Olas Boulevard to the alleyways on the north and south sides from 3:00 p.m. to 10:00 p.m.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1760 from City Manager.

Event Agreement – Ocean Mile Swim..... (M-3)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **International Swimming Hall of Fame** to indemnify, protect, and hold harmless the City from any liability in connection with the **Ocean Mile Swim** to be held **Friday, January 5, 2001 from 6:30 a.m. to 11:00 a.m.**

Recommend: Motion to approve.

Exhibit: Memo No. 00-1761 from City Manager.

**Amendment to Agreement – Broward County -
Swim Central Program for Water Safety Instruction/Education (M-4)**

A motion authorizing the proper City officials to execute an amendment to the agreement with Broward County for funding in the amount of \$30,000 for the Swim Central Program for water safety instruction/education.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1668 from City Manager.

**Agreement – Todd Whitney Kraft d/b/a
Tennis Management Group, Inc. – Tennis Program Director (M-5)**

A motion authorizing the proper City officials to execute an agreement with Todd Whitney Kraft, d/b/a Tennis Management Group, Inc., to serve as Director of the Fort Lauderdale Tennis Program.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1783 from City Manager.

**Agreement – College Swimming Coaches Association
of America – Annual College Swimming Coaches Swim Forum (M-6)**

A motion authorizing the proper City officials to execute a ten-year agreement with the College Swimming Coaches Association of America for the purpose of hosting its Annual College Swimming Coaches Swim Forum.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1778 from City Manager.

Naming of the Pavilion at Holiday Park – “Thomas L. Tapp Pavilion” (M-7)

A motion approving the naming of the pavilion at Holiday Park as the “Thomas L. Tapp Pavilion.”

Recommend: Motion to approve.

Exhibit: Memo No. 00-1781 from City Manager.

FY 1999/2000 Budget Amendment (M-8)

A motion approving amendments to the FY 1999/2000 budget.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 00-1782 from City Manager.

**Neighborhood Capital Improvement
Grant Program (NCIGP) Grant and Maintenance Agreement/
Revocable License – Lauderdale Beach Homeowners Association (M-9)**

A motion authorizing the proper City officials to execute an NCIGP grant and maintenance agreement/revocable license with the Lauderdale Beach Homeowners Association for landscaping and entranceway improvements.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 00-1588 from City Manager.

**Request for Development
Proposals (RFP) – Las Olas Intracoastal Municipal Parking Lot (M-10)**

A motion authorizing the issuance of an RFP for the development of the Las Olas Intracoastal Municipal Parking Lot and Redevelopment Parcels A and B as a cooperative solicitation between the City and the Fort Lauderdale Community Redevelopment Agency (CRA); and further acknowledging that on receipt and acceptance by the City and CRA of a proposal for the development of the property, it will be the intent of the City to convey the property known as the Las Olas Intracoastal Municipal Parking Lot to the CRA under Section 8.02 of the City Charter, subject to certain terms and conditions. (Also see Item CRA on the Conference Agenda)

Recommend: Motion to approve.

Exhibit: Memo No. 00-1769 from City Manager.

Certificates of the Broward County Canvassing Board (M-11)

A motion accepting the Certificates of the Broward County Canvassing Board and declaring the results of the **2000 Special Municipal Primary Election** held December 5, 2000, for the office of City Commissioner, District III.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1843 from City Clerk.

**Transfer of General Fund Contingencies –
Project 10031 - Argyl Sanitary Sewer Improvements and
Water Main Replacement – Assessment of City-Owned Parcels (M-12)**

A motion authorizing the transfer of \$34,486.94 from General Fund Contingencies to GEN010201/3216 to pay the assessment for the Argyl Sanitary Sewer Improvements and Water Main Replacement project for two City-owned parcels.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 00-1738 from City Manager.

**Naming of the East Side Underdeck Area of the
E. Clay Shaw Bridge (S.E. 17 Street Causeway) – “Betty and Sam Switzer Park” (M-13)**

A motion approving the naming of the east side underdeck area of the E. Clay Shaw Bridge located on S.E. 17 Street Causeway as the “Betty and Sam Switzer Park.”

Recommend: Motion to approve.

Exhibit: Memo No. 00-1640 from City Manager.

**Change Order No. 1 – Recreational Design and
Construction, Inc. - Project 15280 – Warfield Park Recreation Center..... (M-14)**

A motion authorizing the proper City officials to execute Change Order No. 1 with Recreational Design and Construction, Inc. in the amount of \$67,215 for additional work at the Warfield Park Recreation Center.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 00-1642 from City Manager.

**Change Order No. 5 – F & L Construction, Inc. -
Project 10250 – Repair Sidewalk on S.W. 15 Avenue, South of State Road 84..... (M-15)**

A motion authorizing the proper City officials to execute Change Order No. 5 with F & L Construction, Inc. in the amount of \$51,290 for the repair of sidewalk along the west side of S.W. 15 Avenue, south of State Road 84.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 00-1641 from City Manager.

**Contract Award – Trujillo Construction, Inc.
and J. Fletcher Creamer & Son, Inc., A Joint Venture -
Project 10283 – Rehabilitation of Water Mains by Epoxy Lining (M-16)**

A motion authorizing the proper City officials to execute an agreement with Trujillo Construction, Inc. and J. Fletcher Creamer & Son, Inc., a joint venture, in the amount of \$216,075.13 for the rehabilitation of deteriorated water mains located at N.E. 23, 24 and 25 Avenues between N.E. 36 and 37 Streets.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 00-1821 from City Manager; and
Memo No. 00-1651 from City Manager.

**Contract Award – Asbestos Certified Technicians, Inc. -
Project 10285 – Police Station and Parks and Recreation Building (M-17)**

A motion authorizing the proper City officials to execute an agreement with Asbestos Certified Technicians, Inc. in the amount of \$16,513 for the Police Station/Parks and Recreation Building asbestos abatement.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 00-1796 from City Manager.

**Contract Award – Jened Electrical Contracting, Inc. -
Project 10182 – War Memorial Auditorium Bleacher Electrical Upgrade (M-18)**

A motion authorizing the proper City officials to execute an agreement with Jened Electrical, Inc. in the amount of \$17,980 to install a 480-volt AC supply to accommodate newly installed seating at War Memorial Auditorium.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 00-1645 from City Manager.

**Contract Award – AKA Services, Inc. -
Project 10085 – Storm Drain Replacement on S.E. 8 Avenue (M-19)**

A motion authorizing the proper City officials to execute an agreement with AKA Services, Inc. in the amount of \$167,900 for storm drain replacement on S.E. 8 Avenue.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 00-1644 from City Manager.

**Contract Amendment – Miller Legg & Associates, Inc. -
Project 15160 – Joseph C. Carter Park Improvements..... (M-20)**

A motion authorizing the proper City officials to execute an amendment to the agreement with Miller Legg & Associates, Inc. in the amount of \$92,600 for the Joseph C. Carter Park improvements.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 00-1798 from City Manager.

**Agreement – Broward County Office
of Integrated Waste Management – Recycling Grant Funds (M-21)**

A motion authorizing the proper City officials to execute an agreement with the Broward County Office of Integrated Waste Management for the acceptance of recycling grant funds in the amount of \$19,935.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1639 from City Manager.

Membership - American Water Works Association (AWWA) Research Foundation (M-22)

A motion authorizing a membership with the AWWA Research Foundation in the amount of \$31,142.16.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 00-1751 from City Manager.

PURCHASING AGENDA

Bid No.	Item/Service	Low Responsible Bidder	Amount
			<u>Pur-1</u>
Prop	Additional interim maintenance for Lucent 85 telephone system Admin. Serv./Info. Systems	Avaya, Inc. Ft. Lauderdale, FL	\$51,000.00 (estimated)

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-1743 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Transfer of funds from Central Services Fund Retained Earnings to Equipment Repair and Maintenance (ADM020403-3407).

Recomm: Approve interim proprietary purchase with funds transfer.

			<u>Pur-2</u>
Prop	Purchase of parking meters and repair parts - annual replacement program Admin. Serv./Parking Services	Duncan Eagle Harrison, AR	\$165,351.56 (estimated)

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-1757 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve proprietary purchase.

			<u>Pur-3</u>
Prop	Purchase of four, 4-inch check valves Public Services	Southeastern Pump Ft. Lauderdale, FL	\$11,432.00

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-1748 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve proprietary purchase.

Bid No.	Item/Service	Low Responsible Bidder	Amount
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	Approve payment for emergency pumping service Public Services	Johnson Septic Tank Service Ft. Lauderdale, FL	<u>Pur-4</u> \$91,375.00 (estimated)
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Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-1750 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve emergency purchase order.

512-8389	Three year contract for arbitrage compliance services Finance/Treasury	Ernst & Young, LLP Jacksonville, FL	<u>Pur-5</u> \$ 33,600.00 (estimated annual total)
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Bids Solicited/Received: 17/6 with 2 no bids

Exhibits: Memorandum No. 00-1786 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Award contract to lowest responsive and responsible bidder.

State	Purchase of four boat motors Police	Outboard Marine Corp. Waukegan, IL	<u>Pur-6</u> \$32,250.00
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Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-1774 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve purchase from Florida State Contract.

<u>Bid No.</u>	<u>Item/Service</u>	<u>Low Responsible Bidder</u>	<u>Amount</u>
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			<u>Pur-7</u>
Prop	Purchase of steering wheel locking devices Police	Winner International Sharon, PA	\$14,962.50

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-1775 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve proprietary purchase.

			<u>Pur-8</u>
	Purchase of 31 computers and related hardware Police	Dell Marketing L.P. Round Rock, TX	\$64,471.00

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-1773 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve after the fact purchase and waiver of formal bid procedures.

Mayor Naugle announced that Consent Agenda **Item No. M-20** had been deleted from the agenda and would not be considered this evening.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item Nos. M2, M4, M15, M19, and M22 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda Items be approved as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Mayor Naugle noted that the motion had approved Item No. M-7, which was the naming of the pavilion at Holiday Park in honor of former Recreation Director Tom Tapp. *Mr. and Mrs. Tapp* were recognized.

Event Agreement – Las Olas Wine Festival (M-2)

Commissioner Hutchinson said some questions had been raised at her district meeting last night by 2 neighborhoods – Colee Hammock and Beverly Heights. Residents were curious about the number of road closings there were on Las Olas Boulevard each year. Commissioner Hutchinson also wondered if more parking regulation enforcement could be provided in these neighborhoods during events on Las Olas Boulevard. Mr. Steve Person, Recreation Superintendent, advised that 6 events per year were allowed. He stated that when the event meetings were held in the future, he would schedule them in the evening hours and invite the homeowners' associations to ensure they were comfortable with the arrangements.

Commissioner Hutchinson did not think anyone objected to the events themselves, but to the overflow of parking into the residential neighborhoods. Mr. Person said he would ensure the Parking Division was involved with the event planning.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith that Consent Agenda Item No. M2 be approved as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Amendment to Agreement – Broward County –
Swim Central Program for Water Safety Instruction/Education (M-4)**

Commissioner Hutchinson asked where the extra \$30,000 would come from, and Mr. Person advised it was a gift to the City from the County's Swim Central Program.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore that Consent Agenda Item No. M4 be approved as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Change Order No. 5 – F & L Construction, Inc. –
Project 10250 – Repair Sidewalk on Southwest 15th Avenue,
South of State Road 84 (M-15)**

Commissioner Hutchinson asked if the balance in this project of \$21,500 could be used on other projects. Mr. Hector Castro, City Engineer, stated that the extra funds could be used on other projects as long as they were consistent with the Edgewood neighborhood's master plan.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith that Consent Agenda Item No. M15 be approved as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Contract Award – AKA Services, Inc. – Project 10085 –
Storm Drain Replacement on Southeast 8th Avenue (M-19)**

Commissioner Hutchinson stated that the Beverly Heights neighborhood abutted 8th Avenue, and there were some traffic concerns. He asked if staff could meet with the neighborhood about when the work would commence. Mr. Castro advised that staff could meet with the neighborhood and expected the work to start in 2 or 3 months.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith that Consent Agenda Item No. M19 be approved as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Membership – American Water Works Association
(AWWA) Research Foundation (M-22)**

Commissioner Moore asked what benefit the City derived from this \$31,000 membership. Mr. Frank Coulter, Deputy Public Services Director, explained that various kinds of research were conducted by the AWWA, and some of the things used by the City recently including the customer service survey and research relating to epoxy relining of water mains. In the past, the City had taken advantage of AWWA research with respect to ammonia and chlorine. He advised that the AWWA also maintained a web site to keep current with ongoing research. Mr. Coulter did not believe the City could do this research itself at this cost.

Commissioner Moore wondered if access to the research was allowed to non-members. Mr. Coulter replied that public access would be available in 5 or 6 years, but only members had access when the research was being produced. He added that this research would be particularly beneficial during upcoming decisions about the Water & Sewer Master Plan, which would involve an expenditure of about \$400 million over the next 10 years.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item No. M22 be approved as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: Commissioner Moore.

MOTIONS

Those matters included under the Motions category differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion item if so desired.

**City Commission Request for Review – De Novo Hearing –
Continuation of Nonconforming Status - Delmar Auto Repair
(Case No. 16-NC-00) (M-23)**

A de novo hearing was scheduled to review nonconforming status of the following property:

Applicant: Delmar Auto Repair
Request: Continuation of nonconforming status
Location: 825 Progresso Drive

Mayor Naugle called for those who wished to be heard. The following appeared and were sworn in by the City Clerk:

Ms. Elizabeth Johnson, owner of Progresso Plaza, said her property was surrounded by used car lots, and she did not object to auto repair. However, since this business had moved to Progresso Drive, cars had been parked in her parking lot, and cars were being repaired on the

roadway instead of the in the building. In addition, cars were being parked up and down the street. Ms. Johnson felt this activity had created an eyesore.

Commissioner Smith believed there were similar concerns throughout this business community. He had been contacted by various parties, and he wondered how this operation could be operated more responsibly.

Mr. John Andrews, Attorney representing the owner of the business, explained that his client was somewhat hampered because a building permit application was still pending with the City, and the work was intended to address the Code violations that preexisted his purchase of this property. He stated that the property had been used as an auto repair facility for at least 20 years, and a foreclosure action in the past had extinguished the occupational license for the premises.

Commissioner Smith asked why the owner could not fix the cars in the bays. He also wondered if there was anything staff could do to expedite the building permit. *Mr. Tommy Palomino*, owner of the business, said that the interior had not been completed, and he was referring work to other garages in the meantime. He advised that he was trying to accommodate the situation and clean up the property, but it was very difficult without being able to move forward on the work pending permits. Mr. Palomino said that landscaping and other work was planned, but this was the first time he had heard any complaints. He added that most of the cars parked along the street did not belong to him.

Commissioner Smith understood there were derelict automobiles on the property. Mr. Palomino advised that he purchased cars for repair and auction. However, everything was being delayed by the permit process.

Ms. Cecelia Hollar, Construction Services, stated that permits could not be issued until the Commission approved the continuation of the non-conforming use. She noted, however, that no outside storage would be permitted unless it was screened with a wall, and on-site parking would have to be provided. Further, all service and repair work would have to be done inside the repair bays.

Commissioner Smith said he had spoken with the owner and asked him to paint the building and try to be a better neighbor, but he did not think anything had been done. He was not very confident that this operation would be a good corporate neighbor, but he hoped the owner would live by the rules. Commissioner Smith said he was going to ask Code Enforcement staff to keep a close eye on this operation.

Commissioner Moore asked what would happen if the owner did not live up to the conditions of this approval. The City Attorney stated that this approval would be granted with specific conditions outlined in the back-up memorandum and discussed this evening. If the owner failed to meet or maintain those conditions, he would lose the non-conforming status and would not be allowed to do business.

Commissioner Hutchinson inquired about the timeframe for losing non-conforming status if the conditions were not met. The City Attorney understood permit applications had already been submitted, and permits would be issued expeditiously after Commission approval of the non-conforming use this evening. If the owner did not perform the work in a reasonable timeframe, staff would follow-up. He explained that a reasonable time would depend upon the work involved. Ms. Hollar said she would work as quickly as possible to issue the permits.

Mr. Andrews reported that the permit application had been submitted to the City about a year ago. The owner expected the work to take 6 months to a year. Commissioner Smith understood Mr. Palomino wanted to work from the inside out, but he thought it would be more appropriate to address the exterior as quickly as possible. He asked Mr. Palomino to start with removing vehicles stored outside, painting, and landscaping. Mr. Palomino agreed to do so.

Commissioner Moore said that if the owner was not going to remove the vehicles stored outside immediately, he wanted to see a permit for a buffer wall processed immediately. Mr. Palomino said he would construct a buffer wall as soon as the permits were issued, but he had only learned it was required a month ago. Mr. Andrews said he would contact the architect tomorrow to start revisions to the plans to include a wall.

Commissioner Smith asked if the application could be submitted for the wall within 60 days. Mr. Palomino believed so. Ms. Johnson understood the difficulties faced by the owner, and she did not understand how all the cars that were outside could be moved onto this small property. Commissioner Moore stated that vehicles that were on the City swale without tags could simply be towed away. Ms. Johnson believed many were parked on the Railroad's property. Mr. Palomino said he had been trying to do everything the City wanted, and this was the first time he had heard he could not park cars at the front of the property.

Commissioner Smith thought the problem was that this operation was too big for this property. Mr. Palomino stated that his was a low-key operation with only 2 people, but there were a lot of other similar businesses in the area. Commissioner Smith hoped Mr. Palomino understood he could not store cars outside the property. Mr. Palomino said he would work out some temporary storage elsewhere until the buffer wall could be constructed. Commissioner Smith suggested that this item be deferred to see if the owner would be successful in his efforts to clean up the property. Mayor Naugle stated that the owner could not do anything until permits had been issued, and permits could not be issued until this item was approved. Commissioner Smith believed the owner could remove the cars. Mr. Andrews stated that would put Mr. Palomino out of business.

Mr. Palomino said he had worked with the City's inspectors all along, and no one had told him there was a problem with cars outside. Commissioner Smith pointed out that the cars along the front could not be placed there even if a wall was constructed. Mr. Andrews stated that those cars would be removed, and Mr. Palomino agreed to remove them within 7 days. Commissioner Smith pointed out that this neighborhood was starting to improve, and he wanted Mr. Palomino to be part of the solution, so the situation would be closely monitored.

Motion made by Commissioner Smith and seconded by Commissioner Moore to approve a continuation of the nonconforming status for Delmar Auto Repair. Roll call showed: YEAS: Commissioners Moore, Katz, Smith, and Mayor Naugle. NAYS: Commissioner Hutchinson.

Lien Settlements for Special Master and Code Enforcement Board Cases (M-24)

A motion was presented authorizing proposed settlements for the following cases:

1. CE97050664 – Blue Star Investments, Inc., 3040 N.W. 17 Court (\$4,280)
2. CE00041526 – SunTrust Bank South Florida, as Trustee under the Will of Glenna M. Truman, 2414 N.E. 7 Place (\$4,500)
3. CE98102059 – Linda L. Roman, 2231 S.W. 38 Avenue (\$1,500)

4. CE99050750 – Secretary of Housing and Urban Development, 1749 N.W. 18 Street (\$1,000)
5. CE99071224 – Elaine Klairmont and Lorraine Shepard, 916 N.E. 20 Avenue (\$3,500)
6. CE00021398 – Dwain W. Higginbotham, 1490 West Broward Boulevard (\$900)
7. CE98060593 – Joel Garcia, 1121 S.W. 22 Terrace (\$4,000)
8. CE97041197, CE97101145, CE98121462 – Lory M. Johnston, 544 North Federal Highway (\$14,900)

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to approve lien settlements numbered 1 through 6 as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Moore wished to discuss Case No. CE98060593, at 1121 Southwest 22nd Terrace. He thought the settlement amount seemed high as compared to the other cases. Mr. John Simmons, Assistant Director of Community Inspections, said that the owner had entered into an agreement with a church to use a single-family dwelling. He advised that changes had been made without permits by someone who was not qualified. Therefore, there had been a hazard in terms of the electrical work. Mr. Simmons understood the church would no longer use the house.

Commissioner Moore suggested a \$2,000 settlement. There was no support for the idea.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to approve this settlement as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: Commissioner Moore.

Commissioner Smith referred to Case Nos. CE97041197, CE97101145, and CE98121462 as to 544 North Federal Highway. He was surprised to hear people were cited for installing landscaping without permits. Mr. Simmons advised that violation involved the retroactive landscaping ordinance and paving without permits. Commissioner Smith had a problem with imposing fines for putting landscaping in without permits, and he was concerned about the water discharging into the City alley. Mr. Simmons stated that run-off had been accumulating on the property. Commissioner Smith felt some of the citations were inappropriate because they sent the wrong message.

Commissioner Smith understood the recommended settlement amount was \$14,900, and he suggested a settlement of \$5,000. There was no support for the idea. Commissioner Hutchinson suggested a settlement of \$10,000.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith to settle this case for \$10,000. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Lease Agreement and Transfer of
General Fund Contingencies – City County Credit Union – Office Space
for Diversity Office and Office of Community and Comprehensive Planning..... (M-25)**

A motion was presented authorizing the proper City officials to execute a lease agreement with the City County Credit Union for office space for the Diversity Office and Office of Community and Comprehensive Planning; and further authorizing a transfer in the amount of \$81,384.86 from General Fund Contingencies (FD001/9950) to PED020101/3316 (Building Leases).

Commissioner Katz asked if there was sufficient parking at this location. Mr. Chris Wren, Planning Manager, replied that 15 spaces would be provided, but there would also to be a shuttle from the City Hall garage or some on-street parking arranged to the immediate west. Mayor Naugle felt this was a walkable distance from City Hall. Mr. Wren agreed and advised there would be a total of 23 employees. Mayor Naugle suggested comfortable clothes, and Mr. Wren advised that staff donned business attire for Commission meetings, but comfortable clothing was the general rule in the office.

Commissioner Moore had hoped the City would be able to get a better lease rate than \$14.34 per square foot, and he thought this would be tax exempt after the first year, so the rate for the remaining 4 years would be \$12.78 per square foot. Commissioner Smith inquired about the average annual price per square foot. Mr. Wren said he had not done that calculation.

Commissioner Smith believed the space at 400 North Andrews Avenue had been reduced in price. It was Mayor Naugle's understanding that there was not enough space in that location. Mr. Wren thought the offices could be fit into that space, but tenant improvements would be necessary. Commissioner Smith inquired as to the estimated cost. Mr. Pete Witschen, Assistant City Manager, thought it would cost \$15,000 to \$20,000.

Commissioner Moore had thought the City could get a better price on this space since it was owned by a non-profit County organization. He wondered how long the second floor had been unoccupied. Mr. Wren replied that it was currently being utilized by the Credit Union, and their staff would be moving downstairs. Mr. Witschen noted that there was also a certain urgency in moving staff so work could begin on the Fire Station.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to approve Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Vacate a Portion of Northeast 5th Terrace -
Downtown Flagler Village, Ltd. (PZ Case No. 3-P-00) (PH-1)**

At the Planning and Zoning Board regular meeting of June 21, 2000, it was recommended by a vote of 6 to 2 that the following application be approved. Notice of the public hearing was published on October 5 and 12, 2000. On October 17, 2000, first reading was deferred to November 7, 2000 by a vote of 5 to 0; on November 7, 2000, first reading was deferred to November 21, 2000 by a vote of 5 to 0; and, on November 21, 2000, first reading was deferred to December 12, 2000 by a vote of 4 to 0.

Applicant:	Downtown Flagler Village, Ltd.
Request:	Vacate a portion of Northeast 5th Terrace
Location:	Northeast 5th Terrace between Northeast 5th Street and Northeast 4th Street

Mayor Naugle called for those who wished to be heard. The following appeared:

Ms. Angela Csini, Development Services, stated that this item had been deferred on November 21, 2000 in order to further evaluate the safety of the cul-de-sac area. Since that time, the applicant had met with the Florida Department of Transportation and surrounding property owners to discuss whether a reroute onto U.S. #1 would be acceptable. There had been no objections, and this request met the criteria established by the ULDR. She advised that the right-of-way was no longer needed for public purposes, and Northeast 5th Terrace was closed to through traffic north of Northeast 5th Street and terminated at Northeast 4th Street.

Ms. Csini stated that the subject street was used mostly for the loading and unloading of materials and for moving vehicles from one parking area to another, rather than for through traffic. She pointed out that alternate routes were available that would not cause adverse impacts to surrounding areas, and the closure of the right-of-way would provide safe areas for vehicles to turn around and exit the area. Ms. Csini advised that the applicant would be required to provide a turn around area by the FDOT, and the closure of the right-of-way would not adversely impact pedestrian traffic. She also reported that all utilities located within the right-of-way had consented to the vacation.

Ms. Debbie Orshefsky, Attorney representing the applicant, stated that although some objections to this vacation had been presented to the Planning & Zoning Board, the Board had concluded that this right-of-way vacation was appropriate. She stated that the Board had also felt that a cul-de-sac should be provided with a radius of 35'. Mayor Naugle inquired as to the Board's vote, and Ms. Orshefsky replied the vote had been 6 to 2. She urged the Commission to adopt the Board's recommendation of approval.

Ms. Orshefsky stated that this property had gone through a number of regulatory efforts in order to facilitate its redevelopment, along with other portions of the community. This Commission had created a CRA that included this property and rezoned it to Regional Activity Center, which was a zoning category designed to facilitate downtown redevelopment. She advised that there had been other road closures in the area, and there was now a market that was redeveloping the area.

Mayor Naugle inquired about the proposed use. Ms. Orshefsky said some type of office/retail mixed use combination would be proposed. She believed the property would be suitable for this purpose, but the owner was unable to market the parcel until the vacation was completed and the 3-1/2 acre parcel consolidated.

Ms. Orshefsky stated that those who had objected had made a number of claims about how the road closure would adversely affect their loading and unloading of commercial vehicles and large car carriers in the public right-of-way. She displayed some photographs of the parcel taken recently, and she pointed out cars parked up and down the right-of-way. Ms. Orshefsky said the street had been turned into a loading zone and a parking lot, including parking on the subject private property.

Ms. Orshefsky said the applicant had been monitoring activities in order to determine the needs of the properties to the south. She displayed more photographs and pointed out various trucks, including a flat bed truck off loading vehicles at the Rolls Royce dealer. Ms. Orshefsky wondered if the intent was to design the Federal Highway corridor to accommodate car carriers or for the redevelopment of uses that contributed to the neighborhood. She stated that there had been indications that car carriers were on the street every day. Based on a survey by an employee, there had been no 65' car carriers on the street during the week of November 27 through December 1, 2000. During the next week, there had been none either from 8:00 A.M. to 5:00 P.M.

Ms. Orshefsky explained that a delivery on a car carrier had also been staged to see if it could be accommodated on 4th Street for the occasion when a large carrier was necessary. She advised that this turning maneuver had been tested with a fully loaded rig and had been successful. However, she wondered if the City's intent was to design the corridor for this type of use or for redevelopment.

Ms. Orshefsky said part of the reason for all the cars and trucks using 5th Terrace for private loading docks was because none of the uses had loading facilities. She stated that a Certificate of Occupancy had been issued for the Rolls Royce dealer in 1984 and, at that time, the Code would have required a use of this magnitude to have at least 1 loading dock of 12' x 45' as would today's Code. However, none had been provided so the public right-of-way was privately used.

Ms. Orshefsky advised that some solutions had been considered. She displayed a sketch and identified the subject property. One solution involved using part of the property for a truck bay, but that would create an island of car dealerships, which was not necessarily a use the City wanted to encourage along this corridor. It would also take 1 lot and prevent assemblage of a 3-1/2 acre parcel with a curb cut because the FDOT would not allow it on Federal Highway. Ms. Orshefsky pointed out that circulation on the site could be critical to its redevelopment. She did not feel that was the best solution.

Ms. Orshefsky reported that a second alternative involved a 45' radius with a 90' cul-de-sac, but that created a different problem. She stated that it would result in a very large paved area, but a 35' radius would accommodate trucks, buses, etc. Ms. Orshefsky advised that the 45' radius would create a sea of asphalt and take 3 lots. She believed all of the cars in the area now would end up on this large paved area that would not be used except for the big trucks that came in periodically.

Ms. Orshefsky supported the 35' radius cul-de-sac. She stated that it could be accommodated and would create the type of access that was necessary, and it conformed with the Code. Ms. Orshefsky said that one of the objections had come from Duron Paint on 4th Street, and the loading dock was on 3rd Street. She felt 5th Terrace performed essentially as a loading bay for the adjacent, and she thought the operators should be allowed to use it as Duron Paint did on 4th Street, but in accordance with the Code. Ms. Orshefsky pointed out that this was a fairly common arrangement in the area.

Ms. Orshefsky believed the objectors wanted the City to perpetuate the private use of a public right-of-way. She believed that was inconsistent with all the exercises and regulatory actions the Commission had taken over the past 10 years to facilitate redevelopment. Ms. Orshefsky felt that consolidating this parcel for redevelopment would be the "linchpin" for future redevelopment in the Flagler Heights area.

Mr. Dan Taylor, Attorney representing Cars International and Individual Automobile Exports, Inc., which were the two businesses located at the south end of the right-of-way, was not sure his clients should be characterized as “objectors.” He stated that his clients took the applicant at his word that this would be good for the City and did not object to vacating the north end of the road. However, Cars International had been in this location for almost 30 years, with 75 to 100 Rolls Royce’s on the site. Mr. Taylor stated that the number of deliveries varied, but there could be 4 to 8 trucks coming in each month, depending on sales.

Mr. Taylor reported that Individual Automobiles Exports imported and exported limousines, and its only access was on Northeast 5th Terrace. He stated that the business had been there for 11 years, although the building was newer, and some 80 vehicles per month were imported and exported. Mr. Taylor had met with staff on a few occasions, and he had supported the idea of an access point onto Federal Highway to the north. He understood the FDOT had indicated that was a workable solution.

Mr. Taylor referred to the back-up memorandum relating to the standards for vacation. He pointed out that it indicated that alternate routes were available that did not cause adverse impacts on surrounding areas. However, he was afraid there would be an adverse impact with a cul-de-sac. Further, he pointed out that the standards required there be safe areas for vehicles to turn around and exit the area. Mr. Taylor questioned whether the proposal met that standard.

Mr. Taylor stated that Tintner & Associates had conducted a study and raised concerns that would not be addressed by merely having a cul-de-sac for turns back out onto 4th Street. He believed the Commission had received that study, and the conclusion portion indicated that the advantages of using Northeast 5th Avenue instead of 5th Terrace included a greater separation of potential conflict points due to the distance to Federal Highway. He added that traffic backed up at the intersection with Federal Highway, sometimes to the point of blocking 5th Terrace. Mr. Taylor believed Mr. Tintner’s study showed that a cul-de-sac would not impact the 3 businesses on Northeast 5th Terrace, but he felt the cul-de-sac could not be designed as Mr. Tintner suggested.

Mr. Taylor said that information had been submitted regarding the length of the car carriers utilized, and the size of his client’s transporting vehicles ranged from 77’ to 80’, and they had tried to turn one in a cul-de-sac. Staff had provided two locations for the experiment, but the maneuver had not been successful. Mr. Taylor displayed photographs of a car carrier during a typical delivery sequence. He acknowledged that vehicles were unloaded from the carriers behind the dealership, and that had been the practice there for years and years.

Commissioner Smith asked why the car dealership did not have a bay so trucks could pull in for unloading. It appeared the public street was being used instead. Mr. Taylor reiterated that this business had operated in this fashion for 29 years, and he believed it was a common practice in various locations. He agreed a bay would be a better solution in a perfect world, but there was not enough space. Mr. Taylor provided additional graphics showing how a car carrier would function under different scenarios. He concluded that not making adequate provision for unloading and loading would put his clients out of business.

Mr. Tom Ansbro, Attorney representing Duron Paint, which had been in business for 50 years, stated that the trucks used by Duron Paint could turn around in a cul-de-sac, although he acknowledged the giant car carriers shown by Mr. Taylor could not do so. Mr. Ansbro said his only goal was to ensure his client could continue to do business. He also pointed out that the applicant did not even have a proposal ready for presentation. He suggested the Commission defer a decision in this regard until the applicant had a proposal ready for submission and review. At that time, everyone could work together toward a solution, but Mr. Ansbro felt this discussion was premature.

Mr. Michael Ferber, representing the Flagler Heights Neighborhood Association, reported that the Association had voted to support this request.

Ms. Orshefsky felt this was a “chicken and egg” situation. She explained that the applicant could not market the property until the right-of-way was vacated. Ms. Orshefsky also noted that traffic only backed up during peak hours in the morning and afternoon, but there was a 7-hour workday when traffic did not back up and the roadway operated with nominal traffic. She noted that Mr. Tintner could testify that when a cul-de-sac was designed in accordance with the Code, it was not designed for giant car carriers because that was an anomaly.

Ms. Orshefsky said the issue was whether or not the City would allow a car carrier to stand in the way of redevelopment in Flagler Heights. She pointed out that with the exception of the huge car carriers, other vehicles could be accommodated by the proposed cul-de-sac. Ms. Orshefsky acknowledged that it might put a burden on one business by forcing it to use smaller trucks and carry fewer vehicles at a time, but this was a critical element in the redevelopment of the CRA.

Mayor Naugle referred to staff’s recommendation for a one-way exit to Federal Highway. He asked how that would prevent development of this property with vacation of half the street. Ms. Orshefsky replied that the FDOT had indicated that no other curb cuts would be permitted between the truck bay and 5th Street, so the 200’ of frontage would have no curb cut onto Federal Highway. She stated that this could be critical to the success of office and retail projects.

Mayor Naugle pointed out that the development at Broward Boulevard and Federal Highway had no curb cuts and used 2nd Street and Broward Boulevard. In this case, 5th Street, 4th Street and the truck bay could be used, so there would still be 3 access points to the property. Ms. Orshefsky said the intent was to maximize the Federal Highway frontage, and it would help minimize traffic impacts on the surrounding neighborhood. Mayor Naugle felt that indications that this single curb cut would stand in the way of redevelopment was an exaggeration.

Commissioner Katz asked Mr. Tintner about the possibility that FDOT would forbid a curb cut. *Mr. Alan Tintner* replied that the FDOT would not allow any additional curb cuts beyond the one for the truck bay. Mayor Naugle felt that was the most logical place for a curb cut anyway.

Commissioner Smith inquired about the back-end movement that Duron Paint utilized that the other businesses could use. He wondered if that was a safe movement. Mr. Tintner believed so in light of the few vehicles involved. He would not recommend it be performed during rush hour, however. Commissioner Smith wondered if there was any reason the car carriers could not be unloaded on 5th Avenue instead of 5th Terrace. Mr. Tintner said he would not want to recommend it. Mayor Naugle pointed out that 5th Avenue was not really a residential street now, but it could be in the future.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to close public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Hutchinson wondered why the businesses did not have the loading docks necessary for their operations. Ms. Hollar believed it was either due to the fact that they were permitted without loading docks originally, or that activities had altered over time. Further, she believed that some right-of-way had been taken from the front of the properties at one time when Federal Highway had been expanded.

Mayor Naugle believed the public streets were used for loading and unloading all over the City. He knew, for example, that it took place at the City's Public Works Compound in the Sailboat Bend neighborhood. Commissioner Smith said he'd had concerns about the safety of the truck movements, but he thought the businesses could make it work even though it would be a bit of a burden. He was not very sympathetic about gigantic car carriers, which had not been around when these businesses had been allowed, and he felt the City should encourage this development to move ahead.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to approve the vacation with a 70' cul-de-sac.

Commissioner Katz was concerned about safety. She wondered if the curb cut for this project could also be used by the car carriers. Mayor Naugle thought the FDOT would put the curb cut in the middle of the block anyway. Ms. Orshefsky understood the FDOT had indicated that curb cut would only be allowed for exits if it was used as a truck bay. She also believed there would be other complications with site circulation.

Commissioner Smith understood the applicant did not plan to close off the street immediately in any case, so the businesses could continue their practices into the near future. He wondered if the applicant would be willing to work with the surrounding property owners during the site planning process. Ms. Orshefsky said that the applicant would do so if the City could approve the vacation this evening with the 70' cul-de-sac. She stated that her client would be willing to pursue whatever the FDOT would allow in terms of dual utilization.

Mayor Naugle preferred approval of an exit onto Federal Highway with the idea that it could be changed at a future date during the site plan approval process, if necessary. Commissioner Smith agreed there might not be anything wrong with that, but the City had been trying to encourage property owners in this area to get on with the business of redevelopment. He felt the City should bend over backwards to encourage and accommodate redevelopment even if it meant some inconvenience to a few businesses.

Commissioner Katz thought vacating the street now would send a message that redevelopment was desired, but she did not want to do that at the expense of safety. Commissioner Smith noted that a bigger problem was that there were no neighbors in this area to complain. He preferred complaints from residents to the drug dealers and prostitutes that populated this area now.

Roll call on the Motion showed: YEAS: Commissioners Moore, Hutchinson and Smith. NAYS: Commissioner Katz and Mayor Naugle.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-00-75

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF NORTHEAST 5TH TERRACE (PLATTED AS 18TH STREET), AS SHOWN ON THE AMENDED PLAT OF "BLOCKS 1, 2, 3, 4, 5, 6, 7, 8, 25, 26, 27, 28, 29, 30, 31, 32 AND 33, NORTH LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 182, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF NORTHEAST 5TH STREET (PLATTED AS CENTRAL AVENUE) AND LYING NORTHERLY OF THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 35 FEET, THE RADIUS POINT OF SAID CURVE BEING LOCATED APPROXIMATELY 286 FEET SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF SAID NORTHEAST 5TH STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, and Smith. NAYS: Mayor Naugle.

**Public Purpose Use Approval for
Lauderdale Manors Park Modifications -
City Engineering Division (PZ Case No. 69-R-00) (PH-2)**

At the October 18, 2000 Planning and Zoning Board regular meeting, it was recommended by a vote of 6 to 3 that the following application be approved. Notice of the public hearing was published on November 30, 2000 and December 7, 2000.

Applicant: City Engineering Division
Request: Public purpose use approval for Lauderdale Manors Park modifications
Location: 1340 Chateau Park Drive

Mayor Naugle called for those who wished to be heard. There were none.

Motion made by Commissioner Moore and seconded by Commissioner Smith to close public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-00-76

AN ORDINANCE APPROVING STRUCTURES WITHIN A PUBLIC PARK THAT DO NOT MEET THE BUFFERYARD WALL REQUIREMENTS IN A PARKS, RECREATION AND OPEN SPACE (P) ZONING DISTRICT, WHICH PARK IS LOCATED AT 1340 CHATEAU PARK DRIVE; AND GRANTING RELIEF FROM THE BUFFERYARD WALL REQUIREMENTS PURSUANT TO SECTION 47-18.26 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Rezone RMM-25 to B-1 with Allocation of Flexibility/
Site Plan Approval – Sultan Family Limited Partnership (PZ Case No. 17-ZR-00) (PH-3)**

At the October 18, 2000 Planning and Zoning Board regular meeting, it was recommended by a vote of 9 to 0 that the following application be approved. Notice of the public hearing was published on November 30, 2000 and December 7, 2000.

Applicant: Sultan Family Limited Partnership
Request: Rezone RMM-25 to B-1 with allocation of flexibility/site plan approval
Location: 2216 South Federal Highway

Mayor Naugle called for those who wished to be heard. There were none.

Motion made by Commissioner Moore and seconded by Commissioner Katz to close public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-00-77

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RMM-25 TO B-1, LOT 7, BLOCK 30, "EVERGLADE LAND SALES COMPANY'S FIRST ADDITION TO LAUDERDALE FLORIDA", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 15 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, TOGETHER WITH THE APPROVAL OF A SITE PLAN ON LOTS 7 THROUGH 10 OF THE SAME BLOCK AND PLAT, LOCATED ON THE NORTH SIDE OF SOUTHEAST 23RD STREET, EAST OF SOUTHEAST 6TH AVENUE AND WEST OF MIAMI ROAD, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Rezone RD-15 to CF – Chicopee Vending Corporation/El Tabernaculo
de Cristo Pentecostal Holiness Church of Fort Lauderdale, Inc.
(PZ Case No. 15-Z-00) (PH-4)**

At the October 18, 2000 Planning and Zoning Board regular meeting, it was recommended by a vote of 5 to 4 that the following application be approved. Notice of the public hearing was published on November 30, 2000 and December 7, 2000.

Applicant: Chicopee Vending Corporation/El Tabernaculo de Cristo Pentecostal
Holiness Church of Fort Lauderdale, Inc.
Request: Rezone RD-15 to CF
Location: Northwest corner of Southwest 14th Street and Southwest 38th Avenue

Mayor Naugle called for those who wished to be heard. The following appeared and affirmed to speak only the truth by virtue of an oath administered by the City Clerk:

Commissioner Hutchinson desired input from the Sunset neighborhood. She pointed out that staff did not recommend approval of the applicant's request because it was contrary to the Comprehensive Plan, but she wondered if the neighborhood was comfortable with the expansion of the church use involving just a parking lot. *Mr. Roger Suarez*, President of the Sunset Civic Association, stated that the property had been in poor condition for some time and, if the church wanted to build a cathedral, the neighborhood would not object.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to close public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Moore wished to compliment Code Enforcement staff on its efforts to address this site.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-00-78

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RD-15 TO CF, LOTS 3, 4, 5 AND 6, OF BLOCK 6, OF "DAVIE BOULEVARD PARK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 23, PAGE 6, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED BETWEEN SOUTHWEST 13TH COURT AND SOUTHWEST 14TH STREET, ON THE WEST SIDE OF SOUTHWEST 38TH AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Transfer of Control of Cable Television Franchise
from Comcast Cablevision of Broward County, Inc. to
District Cablevision Limited Partnership, d/b/a AT&T Broadband (PH-5)**

A public hearing was scheduled to consider an ordinance for the transfer of control of Comcast Cablevision of Broward County, Inc., the holder of a franchise granted by the City to construct, operate and maintain a cable television system over the public property of the City, to Comcast Cablevision of the South, Inc. to District Cablevision Limited Partnership, d/b/a AT&T Broadband, subject to certain conditions; authorizing the proper City officials to execute a consent to such transfer; requiring the transferee to provide a guaranty of the amended franchise agreement; and further authorizing the proper City officials to execute documents necessary to effectuate the City's consent to the transfer. Notice of the public hearing was published on November 30, 2000 and December 7, 2000.

Mayor Naugle called for those who wished to be heard. The following appeared:

Ms. Susan Bisno, representing AT&T, was present to answer questions. Mayor Naugle asked her how many cities AT&T would be providing services for in South Florida. Ms. Bisno explained that this transfer was part of an asset exchange between Comcast and AT&T, and AT&T Broadband would be operating in about 60 cities in South Florida.

Mayor Naugle stated that the City had a long and difficult relationship with Comcast involving broken promises related to high-speed Internet access. He asked if Fort Lauderdale would be the first high-speed connection customer in Broward County. Ms. Bisno stated that the technical adjustments necessary would commence in the next 18 to 24 months, but she could not promise that Fort Lauderdale would be the first served. She thought that would probably make sense, but the engineering had not yet been done. Mayor Naugle suggested this item be tabled until that time.

Commissioner Katz understood there would not be a basic rate increase until June, 2001. She inquired about rates for other services. Mr. Bruce Larkin, Director of Administrative Services, noted that municipalities had limited authority when it came to federal regulations. He stated that the current rate structure of Comcast would be maintained in terms of the basic tier until the end of the existing franchise in July, 2001. However, no commitment had been made in terms of premium programming. Commissioner Katz asked if AT&T could make that commitment. Ms. Bisno could not make that commitment, but the company did not want to raise rates that had only recently been raised. She advised that she could make an educated guess that there would not be a rate increase for premium programming within the next 6 months, but she could not make a commitment in this tremendously competitive environment.

Commissioner Katz understood AT&T would start making upgrades within 18 to 24 months and wondered how long it would take to complete. Ms. Bisno believed the work would be done within 24 months. It seemed to Commissioner Katz that while the upgrades were underway, the rates should remain constant. Ms. Bisno said she could not agree more from a customer service and public relations standpoint, but the cost of rebuilding the facilities was not the only cost involved in the business plan.

Commissioner Katz wondered if staff and the consultant could work with AT&T to get a promise that rates would remain the same while the upgrades were underway. Mr. Larkin advised that staff would do everything possible toward that end. However, there had been many weeks of difficult negotiations to reach the package presented today. There was also a schedule dictated by the federal government in terms of approving the transfer, and no action was taken as approval.

Mr. Adrian Herbst, the City's telecommunications consultant, stated that local governments could oversee basic cable rates, but it was based on formulas established by the FCC involving the number of channels, costs for programmers, and inflation. As to upper tier services, the FCC regulated the rates. The intent of the regulations had been to ensure that everyone would have access to basic cable services, with competition providing the check on premium services. Mr. Herbst noted that while the City could make a request, a "rate freeze" would not be enforceable. Mayor Naugle asked if cities could make requirements in terms of service improvements. Mr. Herbst replied that the Memorandum of Understanding provided for a number of improvements that were not typical in these types of transfers, and there would be a second opportunity to review these matters during the franchise renewal period within the next 6 months.

Commissioner Smith wondered what would happen if the City opposed this transfer tonight. Mr. Herbst replied that AT&T would have a right to challenge the decision, and he did not think the City would be in a very defensible position. Commissioner Smith wondered how long it would be before there was any competition in the field. Mr. Herbst stated that granting a franchise on an over builder would have an impact on AT&T, and competition was coming. Mr. Larkin stated that the franchise granted to RCN, a competitive over builder, in July required build-out within 48 months. Therefore, there would be a competing system by July, 2004.

Commissioner Smith wanted AT&T to reconsider Mayor Naugle's request about high-speed Internet access. He wanted a promise. Ms. Bisno stated that there was no question that AT&T would be providing modem service in Fort Lauderdale, while Mayor Naugle had asked her to guarantee that Fort Lauderdale would be the first City served in Broward County. She thought that would make sense, but she could not make that promise. Commissioner Smith suggested the Commission move forward with first reading of the ordinance tonight with the idea that Ms. Bisno would seek a commitment from AT&T prior to second reading. Ms. Bisno replied she could seek such a commitment.

Mr. Larkin said that a determination had been made that the system as currently constructed could not provide two-way cable modem service. It would require a complete upgrade and, as part of this transfer, that upgrade would begin within 18 to 24 months. In addition, a "favored nation" clause had been negotiated indicating that if any of the other transferred systems were upgraded first, the City's would begin immediately. He stated that the company was obligated to provide an upgrade in Fort Lauderdale at least as quickly as upgrades were provided in other areas. However, it would take longer to build out a City as large as Fort Lauderdale than it would take to build out smaller cities.

Commissioner Moore did not feel Comcast had broken any promises, but circumstances relating to acquisitions and moves that made the offered commitments change. Rather, Comcast was purchased, and it would not have made any financial sense to proceed with build out. He felt the most favored nation clause was a benefit, and major conglomerates like AT&T were trying to deal with future technologies throughout the country. Commissioner Moore pointed out that municipal government had been neutralized due to the numerous federal laws in this field, but he believed the marketplace would determine rates in the future. When it came to build out, Commissioner Moore was concerned about when his neighborhood would get high-speed Internet services because providers were not required to provide it throughout a community. He wanted to make sure his district had the same advantages as the rest of Fort Lauderdale, but he saw no reason to delay this action tonight and applauded Ms. Bisno for being candid.

Mayor Naugle realized that he and Commissioner Moore disagreed on whether or not Comcast had broken promises to the City, and he believed Commissioner Moore had received the benefit of free air time on Comcast and contributions for various causes that were a matter of public record. However, staff had confirmed that Comcast had broken its promise to the City. Commissioner Moore agreed he received free air time from Comcast just like the whole Commission did during all its meetings, and he acknowledged that he sought corporate contributions for various causes throughout the community.

The City Manager stated that rate reduction had been the focus of the conversation, he wanted to compliment Mr. Larkin and Mr. Herbst because a lot of concessions had been negotiated that had great value to the City in the future. He advised that AT&T Broadband had agreed to participate in the installation of the City's institutional network at a cost of \$1.9 million, which was of great value to the City's infrastructure. The City Manager also expressed appreciation to Ms. Bisno for agreeing to seek some type of commitment before second reading, but he hoped she understood the next meeting would be held in one week. He encouraged the Commission to adopt this ordinance on first reading.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to close public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Smith wanted to ensure that Ms. Bisno would report to the Commission about the rate freeze and the Internet access at the next meeting.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-00-79

AN ORDINANCE APPROVING THE TRANSFER OF CONTROL OF COMCAST CABLEVISION OF BROWARD COUNTY, INC., THE HOLDER OF FRANCHISES GRANTED BY THE CITY OF FORT LAUDERDALE TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM OVER THE PUBLIC PROPERTY OF THE CITY OF FORT LAUDERDALE TO COMCAST CABLEVISION OF THE SOUTH, INC. TO DISTRICT CABLEVISION LIMITED PARTNERSHIP, D/B/A AT&T BROADBAND SUBJECT TO CERTAIN CONDITIONS; AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONSENT TO SUCH TRANSFER; REQUIRING THE TRANSFEREE TO PROVIDE A GUARANTY OF THE AMENDED FRANCHISE AGREEMENT; AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY'S CONSENT TO THE TRANSFER.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Application for Non-Motorized Rickshaws – American Rick-Shaw, Inc. (PH-6)

A public hearing was scheduled to consider approving the ten (10) non-motorized rickshaws over specific routes in the City, pursuant to Sections 27-227 and 27-228 of the City's Code of Ordinances, that were approved for a six-month trial basis on April 18, 2000; and further approving an application from American Rick-Shaw, Inc. to operate an additional ten (10) non-motorized rickshaws over specific routes in the City. Notice of the public hearing was published on November 30, 2000 and December 7, 2000.

Motion made by Commissioner Smith and seconded by Commissioner Moore to defer consideration of this item to December 19, 2000 at 6:00 p.m. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Convert Partial Road Closure
from Temporary to Permanent –
Southeast 9th Avenue at Southeast 12th Street..... (PH-7)**

A public hearing was scheduled to consider converting the existing partial road closure located on Southeast 9th Avenue at Southeast 12th Street from temporary to permanent. Notice of the public hearing was published on November 30, 2000 and December 7, 2000.

Mayor Naugle called for those who wished to be heard. The following appeared:

Mr. Peter Partington, Engineering Division, said this hearing was about the partial closure of Southeast 9th Avenue at 12th Street. He explained it had been part of a traffic modification plan proposed in 1996 for the Rio Vista, Lauderdale Harbors, and Harbourdale Portside neighborhoods. He stated that the closure had been implemented in 1996, and staff had some reservations at the time because it created a dead end at the intersection of the two roads, and there was no standard turnaround area. Over the years that had passed, there had been reports that some cars went through the partial closure and some were backing for significant distances, but those reports had diminished. Further, the accident records did not support the idea that this had caused problems or was a safety concern.

Mr. Partington stated that the effects of the closure had been examined initially and more recently, and the more recent counts confirmed that traffic on Southeast 9th Avenue had been significantly reduced since installation of the closure. However, there had been an increase in traffic to some extent on 11th Court, between Federal Highway and 9th Avenue. He believed that was probably caused by drivers diverting from 12th Street to 11th Court in order to enter the Rio Vista neighborhood.

Mr. Partington said the proposal was to make this closure permanent with a curb in order to prevent drivers from driving over the area. He advised that there had been some discussions with the neighborhood about funding the closure, and removal of asphalt and sod could be handled by the Swale Reclamation crew. Mr. Partington stated that the curbing could be performed under the City's annual concrete contract at an estimated cost of \$3,000. He believed that amount could be funded with monies in the CIP geared toward minor, miscellaneous traffic safety improvements. Mr. Partington believed the effects of this closure continued to be positive, and staff's recommendation was to proceed with the plan outlined.

Commissioner Hutchinson reported that the neighborhood was prepared to put in the irrigation and landscaping.

Mr. Mike Orlando, member of the Rio Vista Board and its Traffic Subcommittee, stated that this closure had been in place temporarily for 4 years. The Civic Association envisioned a beautification of this temporary closure with landscaping to make it more of a marquee exit from the neighborhood. Mr. Orlando said the intent of this closure originally had been to try to discourage traffic past Virginia Young Park, which was located a few blocks to the north. During the past 4 years, there had been a significant reduction in traffic past the Park, and it had really come to life. In fact, it had become the home of an annual neighborhood holiday party and other events, so this had really helped revitalize the community.

Mr. Orlando acknowledged that there had been some additional traffic on 11th Court, but an additional speed hump had been installed on that street to keep the speed of traffic down. He believed the proposal would be good for the overall area, and there were alternate routes. Mr. Orlando said the neighborhood also wanted to look to the future and protect it from future cut-through traffic.

Mr. Jerry Waltz, President of the Rio Vista Civic Association, pointed out that there were no sidewalks on 9th Avenue, and no one had been able to come up with any traffic calming devices for that roadway. He noted that people had to walk along this road to reach the Park, and the situation had improved.

Mr. Don Karney, Rio Vista resident, said there were sidewalks in the neighborhood. He felt that if half the road was going to be closed, the whole road should be closed. He had spoken with City staff about cars going up and down the road the wrong way and, in order to get away from the police, people were backing down the road. Mr. Karney stated that people were very inventive, and some type of arrangement was necessary for those who did not know the road was closed with no way to turn around.

Ms. D. J. Parker, who lived at Southeast 9th Avenue and 12th Street, and she slept about 20' from the intersection each night. She agreed with Mr. Karney about vehicles backing up the street and, if she had a choice, she like 9th Avenue closed. Ms. Parker favored making it one way if that was not an alternative, with the proviso that the macadam left was in the center of it so she could get her mail without being run over. She also suggested that a cul-de-sac be made large enough so any vehicle could turn around because all vehicles, no matter how small, had to back up and had frequently crushed her sprinklers and knocked down the stop sign. Ms. Parker also felt speed humps should be placed on 12th Street so the neighborhood would be quiet and calm.

Mr. Tony Winningham said he had been a resident of Rio Vista for 37 years at 7th Street and 9th Avenue, and he did not believe the street closure slowed traffic. As a professional land surveyor, he would never suggest closing a 40' right-of-way without space for a safe turnaround. He did not think the City would allow a developer to do something like that because it went against the Code, which could not be ignored even if the Civic Association wanted the road closed. Mr. Winningham believed the neighborhood had voted to remove this road closure.

Dr. Gene Ingles, President of the Harbordale Civic Association, noted that 75% of the neighborhood had voted to remove this closure as Mr. Winningham had indicated. He stated that many residents were fed up with this whole issue. He reported that Harbordale had polled the neighborhood in 1997 and, in 1998, 74% of its residents voted against the closures. Dr. Ingles said he had polled people going into Publix today, and 73% of those surveyed opposed the closure.

Dr. Ingles stated that there were sidewalks up and down 9th Avenue, and the Park was very successful. He acknowledged that there was a problem with the speed of the traffic, and some of the neighbors had looked into a roundabout at the subject intersection rather than this closure. Dr. Ingles hoped everyone could come together for the good of the community and to listen to the majority rather than the few.

Mr. Richard Strick said he was the father of 2 small children. Although he missed the short cut to Publix, he felt the lane closure had made it safer for his children to play in the neighborhood and the Park. He agreed it should be beautified, and there were some good ideas along those lines.

Mr. John Wilkes, member of the Rio Vista Civic Association Board of Directors, said that Rio Vista had withdrawn its master plan because it could not build consensus on a traffic plan. He did not think the neighborhood would ever get 100% support. He stated that various elements had been removed because they were not popular, but he felt this particular element was the single most important feature to prevent intrusive cut-through traffic. Mr. Wilkes advised that various surveys had been conducted, but he thought new surveys would have different results since construction of New River Village and changes on 17th Street.

Mr. Wilkes believed most of the opposition was not to this element itself but to its design. He suggested making 12th Street one-way, westbound if there were concerns about a cul-de-sac. Mr. Wilkes stated that the money saved on the project could be used to benefit those property owners on the south side of 12th Street by widening their front yards and providing landscaping and sidewalks. He thought most of the problems related to eastbound traffic from Federal Highway so, if that route was eliminated, the violations mentioned this evening would cease. Mr. Wilkes believed that idea had not been supported due to concerns from a hotel, but he stated that issue could be addressed. He supported this permanent closure with a good design.

Ms. Roberta Rayme, a resident of 11th Court, was opposed to the closure. She believed that diverting traffic westward would just bring more traffic to Cordova Road, but she suggested a roundabout at 9th Avenue and Ponce de Leon Drive on an experimental basis.

Mr. Tom Berryhill, resident of 11th Court, said that when he left early in the morning, he often observed bikers and joggers going the wrong way, and no one used the sidewalks very much. On his way home each evening, Mr. Berryhill experienced problems with tailgaters. Although there were sidewalks, it appeared to Mr. Berryhill that no one wanted to use them.

Ms. Janet Carlyle, a resident of 12th Way, loved the new Park, but there was very narrow footage on 9th Avenue. Nevertheless, it was bermed and heavily landscaped, and the traffic on 9th Avenue was no threat to the Park. Insofar as cut-through traffic was concerned, Ms. Carlyle felt the first step was to deal with the cut-through traffic coming by the Cemetery. She suggested addressing 10th Avenue rather than 9th Avenue.

Mr. Shawn McKaymey, a resident of 11th Court, felt it was necessary to consider the long term, so he favored the closure in order to reduce the amount of cut-through traffic in the neighborhood even though his street was affected.

Ms. Nancy Kimble, Treasurer of the Rio Vista Civic Association, understood the Commission had an agenda of obtaining as much downtown housing as was possible, which would dump a great deal of traffic into the area with no improvements to Federal Highway. She believed traffic would seek any possible way to avoid Federal Highway, and it would go to 9th Avenue if the road were reopened. She supported the one-way, westbound road, coupled with swale reclamation and sidewalks. Ms. Kimble felt this would be a good way to reclaim green space that was rapidly being lost in the neighborhood.

Mr. Russell Carlyle, 1922 Southeast 12th Way, said he had lived here for many years and passed the subject intersection at least 3 times each day. He believed other alternatives should be tried before making this closure permanent. Mr. Carlyle recalled that the neighborhood had voted to remove this closure, but the City had not done so. He felt consideration should be given to Ms. Kimble's suggestion, and he thought a roundabout at 9th Avenue and Ponce de Leon Drive was another good idea. Mr. Carlyle urged the Commission not to make this closure permanent and ask staff to examine other potential solutions.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to close public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Hutchinson asked Mr. Partington about signage along 10th Avenue. Mr. Partington did not believe there was any signage about the closure on 10th Avenue, but there was a sign on 12th Street, just east of Miami Road, indicating that 12th Street was closed at 9th Avenue. Commissioner Hutchinson thought a sign on 10th Avenue would be in order in light of the volume of traffic. Mr. Partington thought he misunderstood the question. He advised that there was signage on 10th Avenue indicating that a right turn could not be made at the intersection. He had been thinking more of the advance warning signage at 15th Street. However, there was no advance signage on 10th Avenue.

Commissioner Hutchinson requested more information about the vote that had apparently been taken in the neighborhood a few years ago. Mr. Waltz advised that surveys had been sent out in 1997. He still had 317 of the surveys, which had contained 17 questions. Mr. Waltz said that there had been a lot of people who did not like the loss of the thoroughfare, but there had been numerous suggestions in the alternatives including roundabouts, stop signs, etc. He explained that the Board of Directors had concluded that area residents really wanted slower and less traffic, although concerns had been expressed about the inconvenience of the closure, and no one had been able to come up with an alternative device to address the issues on 9th Avenue.

Commissioner Hutchinson said she often attended events in Rio Vista, and the people who had spoken with her had all been in favor of this closure. She stated that they had all had children and, although there were those present tonight who opposed, she had the impression that most people in the neighborhood liked the closure. Commissioner Hutchinson also liked the idea of making 12th Street one-way, westbound. She hoped for a sidewalk on the north side of 12th Street as well, along with appropriate landscaping, although she did not know if there were funds available.

As the district Commissioner, Commissioner Hutchinson said she was prepared to support this closure. It was an eyesore, and it had been a mess for 4 years. It also did not function properly in its current configuration. In the future, she thought 12th Street could be addressed. At the request of Commissioner Hutchinson, Mr. Partington described the proposed configuration of the permanent closure. He stated that the turnaround area would be 48' in diameter, which did not meet standards, but it was the best that could be done without taking property. Mr. Partington acknowledged that larger vehicles would not be able to make this maneuver.

Commissioner Smith referred to signage on 12th Street. He suggested a sign indicating that there was a dead end street. Mr. Partington was sure that the sign at 12th Street and Miami Road indicated that 12th Street was closed at 9th Avenue. He thought there was probably also a sign indicating there was a dead end but, if there was not, he could arrange to have one installed. Commissioner Smith acknowledged that he did have an agenda with respect to downtown housing because the nighttime population of Fort Lauderdale was 150,000, but the daytime population was 500,000, which resulted in traffic congestion. He explained that the intent was to reduce traffic in the downtown area by encouraging people to live in the area rather than in the Everglades and moving about on foot.

Commissioner Hutchinson inquired about signage on 10th Avenue. She did not think a sign right at the cul-de-sac made much sense. She desired some advance warning signage so drivers could avoid having to turn around. Mr. Partington advised that signage could be explored to try to inform people who were not familiar with the area, perhaps at 15th Street or even a little further north while there was still an opportunity to take Miami Road.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to approve the permanent closure of Southeast 9th Avenue at Southeast 12th Street. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Access Easement Lease – Castillo Grand LLC – Portion of
the Southeast Corner of Castillo Street and
Southbound State Road A-1-A (PH-8)**

A public hearing was scheduled to consider a resolution authorizing the proper City officials to accept the bid of Castillo Grand LLC for the lease of a portion of the southeast corner of Castillo Street and southbound State Road A-1-A; further authorizing the proper City officials to commence negotiations on a fifty (50) year access easement lease; and further scheduling the consideration of such lease for the meeting of December 19, 2000 at 6:00 p.m.

Mayor Naugle called for those who wished to be heard. There were none.

Motion made by Commissioner Moore and seconded by Commissioner Smith to close public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-172

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA ACCEPTING THE PROPOSAL OF CASTILLO GRAND, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY TO LEASE FROM THE CITY AN INGRESS/EGRESS EASEMENT LOCATED GENERALLY AT 3000 CASTILLO STREET AND MORE PARTICULARLY DESCRIBED IN RESOLUTION NO. 00-151, AND AUTHORIZING THE PREPARATION OF A FORM OF LEASE FOR EXECUTION, EMBODYING THE TERMS AND CONDITIONS OF RESOLUTION NO. 00-151.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Application of ULDR Section 47-26.A.1 and
Site Plan Approval/Modification of Yards/
Conditional Use/RMH-60 – L’Ambiance Beach Ltd. (PZ Case No. 91-R-00) (PH-9)**

At the October 18, 2000 Planning and Zoning Board regular meeting, it was recommended by a vote of 8 to1 that the following applications (a and b) be approved. Notice of the public hearing was published on November 30, 2000 and December 7, 2000.

Applicant: L’Ambiance Beach, Ltd.
Request: a) Application of ULDR Section 47-26.A.1; and
b) Site plan approval/modification of yards/conditional use/RMH-60
Location: 4240 Galt Ocean Drive

Mayor Naugle called for those who wished to be heard. Having affirmed to speak only the truth by virtue of an oath administered by the City Clerk, the following appeared:

At 9:39 P.M., Commissioner Hutchinson left the meeting. She returned at 9:42 P.M.

Mr. Jim Koeth, Construction Services, stated that a similar application had been presented earlier this year, and the applicant had taken Commission direction and presented a revised site plan. He advised it was being presented to the Commission for approval to apply a prior zoning regulation, as well as approval of the site plan, yard modifications, and the conditional use. Mr. Koeth advised that the Planning & Zoning Board had reviewed the request for application of Zon. 47-26.A.1 in October, and the Board had recommended approval by a vote of 8 to 1. The Board had also recommended approval of the site plan, yard modifications, and conditional use.

Mr. Koeth stated that the proposal involved a significant redevelopment effort in the Galt Ocean Mile area on a 2.66-acre site. He advised that the proposed luxury condominium would be 254' in height and would include 132 units. Mr. Koeth stated that the developer was seeking application of the prior building length limitation to allow a length of 377' rather than the current Code limitation of 200'. He advised that the conditional use called for any building exceeding 150' to be approved by the Planning & Zoning Board, and the previous proposal had involved a height of 295' instead of the currently proposed height of 254'.

Mr. Koeth referred to the request for yard modifications. He explained that the required setback on the west was currently 127' v. the previous requirement of 154', and the applicant proposed 101'. He noted that this setback had not changed. In the rear, the required setback was currently 127', and the applicant proposed 76'. On the north side, Mr. Koeth stated that the original application called for a 10' setback to the garage and a 15' setback to the tower. The current proposal provided a 20' setback to the tower, and a 10'9" setback to the garage. He added that the portion of the garage at the 10'9" setback was approximately 3'8". Mr. Koeth reported that the original setback on the south side had been 10'8" to the garage and 23' to the tower. The current proposal called for the garage at 10'9" and a 20' setback to the tower.

Mr. Koeth reported that staff had found Zon. 47-26.A.1 was in conformance with the ULDR criteria as outlined in the back-up memorandum, and the proposed site plan conformed with the provisions of Zon. 47-24.3, 47-25.2, and 47-25.3, subject to the following conditions:

1. Additional architectural detail to be applied to the north and south garage and sides;
2. Developer to provide necessary equipment and space to ensure the City's public safety radio communications were not interrupted as determined by the City's Telecommunications Manager at the time of final DRC approval at the cost of the developer;
3. Prior to application for building permit, a construction and debris mitigation plan would be submitted to and approved by the City's Building Official;
4. All construction would require approval from all pertinent environmental review agencies;
5. Site plan approval would be valid for a period of 18 months, during which time a building permit had to be obtained; and
6. Final DRC approval.

Ms. Courtney Callahan, Attorney representing the applicant, introduced members of the development team who were present to answer questions and had been working on this project for over 2 years. She recalled that the project had been presented to the Commission in June, and some changes had been suggested, and Galt Ocean Mile area residents had some concerns as well. That project had involved a 29-story condominium containing 143 units with mostly 10' setbacks. Ms. Callahan was pleased to report that the Galleon and Galt Towers Condominiums had withdrawn their opposition to the project under certain conditions and approved the currently proposed design subject to certain heights and setbacks, and a vigorous construction management program.

Ms. Callahan pointed out that the height of the building had been reduced from 29 stories to 25 stories, and the setbacks had been increased primarily to 20'. She explained that the garage had been suppressed, and the 10'8" setback was only for a portion of the garage that extended above ground 3'8". Ms. Callahan said the applicant had worked closely with the neighboring buildings on that issue. At that point, the building stepped back another 10' to provide 20' setbacks as the building went upwards.

Ms. Callahan said that the number of units had been reduced to 132 units, which made it one of the smaller buildings on the Galt Ocean Mile. She advised that the project had been the subject of 3 applications as mentioned earlier. One issue was whether this was an appropriate use in this location, and Ms. Callahan thought it was since the Galt Ocean Mile was a strip of high rise condominiums. She noted that yard modifications were also requested. Although the Code required half the height of the building, it included a certain measure of flexibility.

Ms. Callahan explained that if the Commission was to grant yard modifications, there had to be a showing of a superior site plan. She believed this building had been designed in a manner that provided continuity in terms of neighboring buildings and should be allowed yards similar to those of the neighbors. Ms. Callahan said that relief from 47-26.A of the Code was also being sought to extend the garage so that it would be similar to other garages on the Galt Ocean Mile. She felt this was a compatible use, and that it more than met the requirements of the Code.

Ms. Callahan referred to neighborhood compatibility. She stated that it was similar to other buildings on the Galt Ocean Mile, which ranged in height 15 to 32 stories. They had an average east to west dimension of 226', and many were close to 400' long. In addition, Ms. Callahan pointed out that they all had suppressed parking garages. She pointed out that there were on-site improvements that would minimize impacts on neighborhoods, and the architects had gone to a great deal of trouble to do so. Ms. Callahan pointed out that the site would be covered with landscaping, a beautiful pool, and a tower of 130' x 160', making it one of the smallest footprints on the Galt Ocean Mile.

Ms. Callahan said that the developer had pulled the building as far west as possible, although the building could be no closer to the street than 100'. She pointed out that all the views would be preserved. Ms. Callahan stated that the applicant had worked with the neighbors on minimizing impacts during the construction period, and a very specific construction practices agreement had been reached that address the hours of work, dust control, identification of workers, etc. She believed it was an exemplary agreement, and the developer welcomed it as part of the site plan approval. Ms. Callahan felt this was a superior project, and everyone had worked very hard on the plans.

Mr. Don Calabrese opposed this project. He said he had submitted some material to the City Commission, including a letter of agreement dated October 16, 2000 in which Mr. Richter agreed to pay \$50,000 to each of the 2 buildings that had withdrawn their opposition. He felt the proposed length of the building was acceptable, but he felt the width and height were excessive. Mr. Calabrese pointed out that the existing buildings on the Galt Ocean Mile had been built on lots that were 400' to 450' wide, so they were not really relevant. This parcel, however, was only 200' wide. He advised that there were only 14 buildings on lots this size, and the tallest of those were the 2 Regency buildings, which each had only 18 stories.

Mr. Calabrese felt there was a disparity in the continuity of urban scale in this case due to the size of the lot. He also did not believe this building had one of the smaller footprints on the Galt Ocean Mile because it was 160' wide, which was twice the width of his building and 10 stories taller. Mr. Calabrese pointed out that only 4 stories had been removed from the building, and it was too big for this property.

Mr. Frank Casier agreed with Mr. Calabrese that the proposed building was too large based on his experience as a builder and a developer. He said he had watched Fort Lauderdale to grow into one of the most exciting cities in the world, but parts of it were now in decline because of greed, over crowding and over development. Mr. Casier hoped the City Commission would take a lesson from Miami Beach and Hallandale. He felt this project would contribute to overloading the City's space, roads, views, bridges, and resources because it was too tall and too big. Mr. Casier did not think it was fair that a few developers would gain at the expense of existing residents by crowding extremely large buildings on small sites. He did not feel any new buildings in this area should be approved until problems with the Oakland Park Boulevard Bridge had been resolved. Mr. Casier urged the Commission to take steps to reduce density on the barrier island while it was still worth saving.

Mr. Dick Tymeson, representing the Galt Mile Community Association, agreed with the other objections voiced but, if the Commission did elect to approve this project, he hoped it would require that at least 50 undercover parking spaces be provided for employees, service personnel, guests, etc. He was concerned that there would be cars parked all over the streets.

Mayor Naugle asked Mr. Tymeson if he was referring to the construction period. Mr. Tymeson replied that he was talking about later when the building was occupied because the space provided was not enough for all the tradesmen and service people that would serve the building. Mayor Naugle agreed this was a lesson being learned from the experience with L'Hermitage. He pointed out that the occupants of these very large condominiums tended to have domestic employees for whom no provision had been made for parking. Mr. Tymeson agreed. He hoped the Commission would not approve the project but, if it did, he encouraged them to consider this condition.

Mr. Warren Hurley, representing the Plaza South, opposed this project, which his Association felt was too large and too close to the property lines. Although he thought the renderings were attractive, they did not show the adjacent buildings. He believed one major problem was that this site was at a junction with 4 stop signs, and the building needed space on the property for large trucks to load and unload, along with at least 50 parking spaces for trade people and domestics servicing the building. Mr. Hurley noted that there was a 32' high water tower enclosure on top of the building, and there were bay windows that extended into the yard as well. He compared this proposal to other buildings in the area and encouraged the Commission to deny the application.

Mr. Adam Libertella, President of Galt Towers, favored the application. He felt the applicant had addressed his concerns, and he had agreed to reimburse the costs associated with fighting against earlier site plans. He stated that his Board had voted 7 to 2 in favor of this application because the applicant had done everything the Galt Towers had requested. Mr. Libertella was glad something was being done with the property as an adjacent neighbor.

Mr. Bob Rozema, President of the Galt Mile Community Association, said this topic had been discussed at the Association's meetings for about 2 years. He noted that the staff reported had not included the area on top of this building, which would actually be 285' tall rather than 254' as stated. Mr. Rozema advised that there were 14 lots of 200', but none of those buildings exceeded a height of 200'. He believed the closest public parking was quite a distance away, and he agreed at least 50 parking spaces should be provided for building staff if the application was approved.

Mr. Jon Sutz, a resident of Galt Towers on the south side, supported the project. He stated that interested parties were those who had a vested interest in the outcome of a specific debate. Of those who had spoken tonight, Mr. Sutz believed only a minority were actually interested parties. He was an interested party as were the others who owned units in the buildings adjacent to the subject property. Mr. Sutz did not feel others would be affected by this project one way or another.

Mr. Sutz reiterated that the Galt Towers Association had voted 7 to 2 to support this proposal after a 2-1/2 year struggle. They were satisfied that this project would satisfy and accommodate the needs and desires of surrounding property owners. He agreed that there could be another "sister Galt Towers" type building that would stretch from the beach to as close as the street as possible, and that would cut off most of the view from his unit. Mr. Sutz stated that the panoramic ocean view was the basis for the value of his property. He said that this was the only proposal he had seen that would preserve his views.

Mr. John Hennen, Treasurer of the Galleon Condominium, pointed out that none of the critics of this project had any suggestion about what should be constructed on the subject property. Everyone kept saying it was too big, but his building was 145' wide, and the L'Ambiance was 160' wide. He pointed out that his building had 213 units, and the Galt Towers had almost double the number of units proposed in this project. Mr. Hennen noted that traffic, noise and density had been cited as issues, but half of these luxury type apartments on the beach would only be used a few months each year. He looked forward to this building, which would increase the value of his real estate.

Mr. Randy Carini, a resident of Galt Towers on the south side, believed everyone would like nothing more on this property than a nice lawn, but that was not realistic. His primary concern involved shadows, and he had learned that a hotel could be constructed on this site from one end to the other, which would cut out the sun. Mr. Carini felt fortunate that the developer was willing to place the building as far west as possible on this site. He did not understand the reasoning of those who lived farther away and objected because the Plaza South was taller, and this proposal would preserve views. Mr. Carini supported this project, along with many of his neighbors, who preferred this building to a hotel or to the existing condition of the property.

Mr. Emilio DeFilippo, 2nd Vice-President of the Plaza South Condominium, said his building objected to this project. He stated that the Plaza South contained 336 units in 29 stories and was located only 200' north of the proposed building. He pointed out that the Plaza South property had 346' of frontage, but this building would have only 200' of frontage. Mr. DeFilippo stated that the Code had been changed to address certain problems, and this building was too big and too tall for this property. He advised that this building would be 86% taller than the Galt Towers and 58% taller than the Galleon Condominium. It was Mr. DeFilippo understood this developer was paying \$50,000 to each of the two adjacent condominiums, and he did not think much weight should be given to support from those buildings as a result.

Commissioner Smith asked Mr. DeFilippo how tall the Plaza South felt this building should be. Mr. DeFilippo felt this building should only be 20 stories tall. He hoped Commissioner Katz would lead her colleagues in voting against this project.

Ms. Callahan stated that the Plaza South was the "big boy" on the Galt Ocean Mile. While it was on a double lot, but it had about three times the square footage as the proposed building. She cited other examples of buildings on double lots that were larger than the proposed building even if they were cut in half. Ms. Callahan referred to parking. She stated that there had been a problem with parking units at one time when only 1.6 spaces per 2-bedroom unit had been required. In this case, 2.1 or 2.2 spaces were required for 2-bedroom and 3-bedroom units, which took service people, visitors, etc., into consideration. She reemphasized that the footprint of the building was smaller than others in the area, and the developer was very sensitive to its immediate neighbors because those were the people who would be impacted in terms of views and the east/west dimension. Ms. Callahan felt the design was superior.

Motion made by Commissioner Smith and seconded by Commissioner Moore to close public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Katz thought it was clear there was no consensus, so this was a difficult decision. She had the utmost respect for the architect, who had designed a beautiful building, and she acknowledged that the design preserved the views from the buildings on either side. However, she had hoped there would be some way to make it less "boxy" and massive. Commissioner Katz said her concern all along had not been height, but mass. She understood the neighbors had worked with the developer, but she felt the Commission had to look beyond just the immediate neighbors.

Commissioner Smith acknowledged that this had been a very controversial issue in Commissioner Katz's district, and the proposed building was not as small as he would have liked, but the setbacks had been increased, and the height had been reduced to 25 stories. He was pleased that the developer had moved the building to the west in order to preserve views from adjacent properties, and he felt this was the project to approve.

Commissioner Moore inquired about parking for service people. *Mr. Morris Richter*, applicant, said that a loading ramp drive had been arranged at the side of the garage where there would be space for moving trucks, service vehicles, etc. He noted that there would be more than ample space for guest and service vehicles, and staff. Even though he believed there were more than enough parking spaces, he had no objection to specifically designating a certain number of spaces for this purpose. Commissioner Moore asked if he would agree to designate 25 spaces, and Mr. Richter agreed.

Commissioner Moore said that if there was any vote he could take back, it would be his vote in favor of the The Palms, but it appeared the owners of the most impacted properties were accepting, so he felt he could support the project in light of Mr. Richter's agreement in terms of parking. He thought the developer had made reasonable concessions.

Commissioner Smith inquired about the construction management plan. He felt that was extremely important, and he wanted the structure wrapped with fine mesh as the construction moved upward, floor by floor. He said there had been a lot of problems with Jackson Towers because it had not used fine mesh, and all sorts of material had been blown out over cars in the area. Mr. Richter said he was not familiar with this level of construction detail, and he asked for a moment to consult with his architect as to whether or not it would be feasible.

Commissioner Hutchinson thought all the buildings being constructed should be wrapped. She did not feel it should even be an option. She felt this lot was too small for a development of this size. Mayor Naugle agreed. He thought a building of 284' in height was too tall for a 200' lot. Commissioner Katz said she would be willing to support a building that was a little taller, if it were not so massive. Mayor Naugle agreed a taller, more narrow, building would be better. Mr. Richter wished to clarify that that the bulk of the building would only be 257' tall with only the cooling tower extending to 284' in height.

Ms. Callahan stated that the building could not be made any more narrow without damaging views from immediately neighboring buildings. She advised that the developer could continue to work with Commissioner Katz and the community if the Commission wished to defer the item.

Motion made by Commissioner Smith and seconded by Commissioner Moore to defer first reading to 6:00 P.M. on December 19, 2000. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Annexation of Property – Prospect Wellfield (Old Texaco Gas Station Site) (O-1)

An ordinance was presented annexing to the City a parcel of real property known as the Prospect Wellfield located at the northeast corner of Prospect Road and State Road 7 (U.S. 441). Ordinance No. C-00-71 was published on November 7 and 14, 2000, and passed on first reading November 21, 2000 by a vote of 4 to 0.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-00-71

AN ORDINANCE ANNEXING TO THE CITY OF FORT LAUDERDALE, FLORIDA, A PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF STATE ROAD NO. 7, BOUNDED ON THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF PROSPECT ROAD (N.W. 56TH STREET) AND BOUNDED ON THE EAST AND NORTH BY LANDS OWNED BY THE CITY OF FORT LAUDERDALE AND KNOWN AS THE "PROSPECT WELLFIELD" LOCATED AT THE NORTHEAST CORNER OF PROSPECT ROAD AND STATE ROAD NO. 7 (U.S. 441).

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Annexation of Property –
Konover Property on Broward Boulevard, West of Interstate 95 (O-2)**

An ordinance was presented annexing to the City a parcel of real property known as the Konover Property located on the north side of West Broward Boulevard between I-95 and N.W. 27 Avenue. Ordinance No. C-00-72 was published on November 7 and 14, 2000, and passed on first reading November 21, 2000 by a vote of 4 to 0.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-00-72

AN ORDINANCE ANNEXING TO THE CITY OF FORT LAUDERDALE, FLORIDA, A PARCEL OF REAL PROPERTY LYING IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 50 SOUTH, RANGE 42 EAST, BOUNDED ON THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF WEST BROWARD BOULEVARD, BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF NORTHWEST 25TH AVENUE, BOUNDED ON THE NORTH BY THE SOUTH LINE OF "THE R.E.B. PLAT", PLAT BOOK 74, PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND BOUNDED ON THE EAST BY THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF SAID SECTION 5, LOCATED ON THE NORTH SIDE OF WEST BROWARD BOULEVARD BETWEEN I-95 AND NORTHWEST 27TH AVENUE. _____

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Amendment to the Pay Plan – Management Category for City Clerk (O-3)

An ordinance was presented amending the Pay Plan of the City to amend the management category for the City Clerk. Ordinance No. C-00-74 was published on December 2, 2000, and passed on first reading November 21, 2000 by a vote of 4 to 0.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-00-74

AN ORDINANCE AMENDING SCHEDULE I OF THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, IN ORDER TO PROVIDE FOR AN ADJUSTMENT IN THE MANAGEMENT CATEGORY FOR THE OFFICE OF CITY CLERK. _____

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Amend Ordinance No. C-00-62 – Section 6-4 -
Dogs on the West Side of State Road A-1-A During Specified Hours (O-4)**

An ordinance was presented amending Ordinance No. C-00-62, pertaining to Section 6-4(b)(6) of the Code of Ordinances of the City, to extend the trial period permitting dogs, during specified hours and with proper permit, on sidewalks and public property on the west side of those portions of State Road A-1-A, south of Sunrise Boulevard and adjacent to the sandy beach. Notice of the proposed ordinance was published on December 2, 2000.

Commissioner Smith asked if the Police Department had heightened the priority of making certain dogs were not in the wrong places on the beach. The Police Chief was aware of the situation and would heighten enforcement activity.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-00-80

AN ORDINANCE AMENDING ORDINANCE NO. C-00-62, PERTAINING TO SECTION 6-4(b)(6) OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, TO EXTEND THE TRIAL PERIOD PERMITTING DOGS, DURING SPECIFIED HOURS AND WITH PROPER PERMIT, ON SIDEWALKS AND PUBLIC PROPERTY ON THE WEST SIDE OF THOSE PORTIONS OF STATE ROAD A-1-A SOUTH OF SUNRISE BOULEVARD AND ADJACENT TO THE SANDY BEACH.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: Commissioner Moore.

**Amend Chapter 25, “Streets and Sidewalks” – Rights-of-Way
Administration and Telecommunications and Open Video System Facilities..... (O-5)**

An ordinance was presented amending Chapter 25, “Streets and Sidewalks,” of the Code of Ordinances of the City, by amending Article III, “Rights-of-Way Administration,” providing definitions and amending definitions, revising registration and permit fee requirements, addressing construction in and use of the rights-of-way, incorporating insurance requirements and modifying indemnification provisions to comply with State law; and by amending Article IX, “Telecommunications and Open Video System Facilities,” providing definitions and amending definitions, revising provisions concerning use agreements, fees, records, and other general requirements applicable to providers of telecommunication systems, communication systems, open video systems, and private communication systems whose facilities occupy the rights-of-way to comply with State law. Notice of the proposed ordinance was published on December 2, 2000.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-00-81

AN ORDINANCE AMENDING CHAPTER 25, "STREETS AND SIDEWALKS" OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY AMENDING ARTICLE III, "RIGHTS OF WAY ADMINISTRATION," PROVIDING DEFINITIONS AND AMENDING DEFINITIONS, REVISING REGISTRATION AND PERMIT FEE REQUIREMENTS, ADDRESSING CONSTRUCTION IN AND USE OF THE RIGHTS OF WAY, INCORPORATING INSURANCE REQUIREMENTS AND MODIFYING INDEMNIFICATION PROVISIONS TO COMPLY WITH STATE LAW; AND BY AMENDING ARTICLE IX, "TELECOMMUNICATIONS AND OPEN VIDEO SYSTEM FACILITIES," PROVIDING DEFINITIONS AND AMENDING DEFINITIONS, REVISING PROVISIONS CONCERNING USE AGREEMENTS, FEES, RECORDS, AND OTHER GENERAL REQUIREMENTS APPLICABLE TO PROVIDERS OF TELECOMMUNICATIONS SYSTEMS, COMMUNICATIONS SYSTEMS, OPEN VIDEO SYSTEMS AND PRIVATE COMMUNICATIONS SYSTEMS WHOSE FACILITIES OCCUPY THE RIGHTS OF WAY TO COMPLY WITH STATE LAW.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Amend ULDR Section 47-24.2 - Site Plan Development Permit (O-6)

An ordinance was presented amending ULDR Section 47-24.2, "Site Plan Development Permit," of the Code of Ordinances of the City to authorize the City Commission to approve amendments to development plans. Notice of the proposed ordinance will be published between first and second reading.

Mr. Chris Wren, Planning Manager, said this item was before the Commission to assist two beach projects in moving forward – The Fortune House and The Marquis. He explained that they were trying to finalize development deals and were seeking modifications to approved plans. Since there were time constraints, staff was suggesting amendment of the site plan review process.

Mr. Wren explained that staff could allow minor modifications through administrative review of approved projects. The developers in these two cases wanted to increase the number of hotel rooms in one instance and create a larger restaurant in another instance, which went beyond staff review criteria. Mayor Naugle asked if that was due to the fact that the changes went beyond 10%. Mr. Wren was not sure how Construction Services made that determination, but the effect was that these two projects would have to go back through the entire process of DRC review, and approval by the Planning & Zoning Board and the City Commission.

Mr. Wren proposed consideration of an additional review process involving staff review and, if a project exceed the administrative review threshold, it be allowed to go directly to the City Commission under certain circumstances rather than through both the Board and the Commission. One of those circumstances was that modifications never go beyond the 10% administrative review criteria. He stated that in speaking to some citizens, staff proposed a change to the suggestion contained in the back-up memorandum. Mr. Wren explained that nothing could be proposed in this new process that would go beyond the approved building envelope. Thus, square footage in a building could not be increased through this process.

Mr. Wren also proposed that because this was something new, it not be applicable to any new projects. Thus, this review process would only be allowed for projects that had already been reviewed by the Planning & Zoning Board or the City Commission. Mr. Wren explained that the process might allow more units, a change in use or an increase in use, and other minor modifications within the building footprint. He stated that only the step involving the Planning & Zoning Board would be removed when minor changes were proposed, and such changes would still have to be approved by the City Commission or refer it back to the Board.

Mr. Wren noted that alterations to architectural details, landscaping or buffer yards would not be allowed under this process. The intent was to address small changes in the bulk of a building volume for purposes of finalizing development proposals. Commissioner Smith understood the approved footprint could not be changed. Mr. Wren agreed that was the intent.

Commissioner Smith referred to the Riverside Hotel site. He believed the restaurant in that project had been expanded after approval, and he wondered how that had been allowed. Mr. Wren advised that he would have to research that particular project, but it had probably been allowed through administrative review because it was not on the beach, and there was a different review process for that area. Commissioner Smith asked if this amendment would apply Citywide. Mr. Wren replied it would, although staff had explored the idea of applying it only to certain zoning districts, but the City Attorney's Office had not felt that was appropriate. Commissioner Smith wondered how many approved projects to which this would apply, and Mayor Naugle believed there were 8 pending projects.

Ms. Cecelia Hollar, Construction Services, explained that under the administrative review process, staff could approve changes that increased or decreased certain aspects of a project after approval on a case-by-case basis. She provided examples of how this process would be applied and explained that once a maximum "box" had been approved, developers sometimes had to move things around within it as different issues arose. Changes that would have less impact than the originally approved project could also be handled through this process, such as reducing the number of units. However, increases in the number of units, changes to yards, and increases in height would not be permitted through this process because those modifications would change the character of a project.

Mr. Scott Miller, Construction Services, stated that the original Riverside Hotel had been constructed in the 1930's, so any parking provided had not actually been required. Therefore, there had been some leeway in making modifications to that project.

Ms. Alysian Childs, President of the Central Beach Alliance, said she was concerned about this for a number of reasons. For one thing, she had only learned about this last week due to an inquiry from a reporter. Therefore, she had contacted staff and made other inquiries, and she felt there was a lot of ambiguity and room for interpretation as written. Ms. Childs stated that the beach community had been working together for several years to address zoning regulations in the beach area, but this ordinance would apply to the whole City. She had also thought that minor amendments were already being addressed through the administrative review process.

Ms. Childs did not feel that where a building was placed on a site was a minor modification, and nor was parking. These were issues of concern to residents, and she did not know who would be sitting on the Commission in the future. She understood that changes to architectural elements had been removed from the ordinance as of 4 o'clock this afternoon, but these kinds of elements could make the difference between area residents feeling comfortable with a project or not. Ms. Childs was concerned about the vague language of this ordinance and hoped some other process could be examined to deal with the two projects mentioned by Mr. Wren.

Ms. Diane Smart stated that it was difficult to respond when the back-up memorandum she had been given had been changed during Mr. Wren's presentation. Nevertheless, she regarded what the memorandum referred to as minor amendments as a double opportunity for staff-only review. Ms. Smart thought staff tended to see modifications requests on a project-by-project basis, out of context, while neighbors considered what else was taking place in an area and what might take place in the future. She did not think staff would visit a site at different times of day in order to determine traffic impacts, for example. Ms. Smart understood this would reduce the time necessary for approval of development changes, but she did not think it would be a neighborly service enhancement.

Mr. John Street, of Birch Square, which was located behind one of the two development sites initially affected by this ordinance, thought this was the wrong approach to changes in the two projects. He felt it would be unwise to change zoning regulations impacting the whole City just to avoid Planning & Zoning Board input into these particular projects. It was his understanding that this ordinance would have to be reviewed by the Board and presented to the Commission on this and another occasion, so he believed the changes proposed for these two projects could be accommodated in the same time frame under existing regulations.

Mr. Bennett Zarron, speaking on behalf of the President of the North Beach Island Alliance, thought the public perception of fast-tracking this ordinance to accommodate two projects was terrible. He did not think increasing a restaurant from 3,000 square feet to 9,000 square feet could be considered a minor change, but his major concern was that almost 2 years had been spent trying to "clean up" the ULDR, which had been made intentionally ambiguous by a prior administrator. Mr. Zarron felt this ordinance would simply add another ambiguity into the Code.

Ms. Miranda Lopez, of Dolphin Isles, felt this ordinance would create the possibility of unending and constant changes to substantial rules contained in the ULDR. She also thought it would deprive the community of its right to know what to expect of different developments. For that reason, Ms. Lopez said the North Beach Island Alliance opposed this ordinance. She considered this ordinance a "slap on the face" and an affront in light of the community's efforts to address deficiencies in the ULDR.

Mr. Don Hall understood the confusion and concerns of residents, and he was not unsympathetic. However, the genesis of this ordinance involved two projects he represented. He said that he had worked with staff to make necessary minor adjustments within the context of the Code. He had learned that the existing Code provisions applied only to existing buildings rather than proposed buildings.

Mr. Hall said the change proposed for the Marquis was to change 1,000-square-foot rooms to 750-square-foot rooms, and to go to all valet parking because that was a requirement of a high-end hotel operator that wanted to do this project – The Rosewood Group. He felt the interpretation of the Code had been too restrictive but, rather than argue against a fairly firm staff opinion, this ordinance had been suggested. As to the Fortune House, Mr. Hall said the change was to take an existing hotel restaurant and making it larger with the swap of some retail space.

Mr. Hall stated that both of these were modest requests, and he agreed with residents that there were certain features that were so important, they should not be allowed to change without going through the full process again. However, there were also minor adjustments that should not require restarting the entire process, which could take 4 to 5 months. Mr. Hall pointed out that the ordinance would not allow staff to make these changes but, rather, it would allow only the Commission to authorize these types of minor adjustments. Mr. Hall had hoped this ordinance would go to the Planning & Zoning Board on December 20, 2000 and come back to the City Commission for second reading in due course.

Commissioner Moore did not understand the concerns. He pointed out that this ordinance could only be adopted through two hearings of the Commission, so there was ample opportunity for community input. In addition, there would be public input on any changes to a particular project when they were presented to the Commission for approval. Commissioner Moore understood fears because of past situations, but he viewed this as a way to streamline the process. He was concerned about the changes to staff's recommendation just this afternoon, but he pointed out that the Planning & Zoning Board would review the ordinance prior to second reading.

Commissioner Smith believed the intent was to make only a few minor changes, but he felt this was the wrong approach. He thought people feared the possibility of abuse, and he felt this could damage the trust that had been built with beach area residents.

The City Manager said he felt strongly about this and should remind the Commission of some competing interests. He recalled a time when there had been a focus on the type of quality development that was desired in the beach area, and he felt these two projects epitomized those desires, particularly from an economic development perspective. The City Manager felt both these projects rose to the desired level, and he assumed responsibility for the changes made late this afternoon. He explained those changes had been suggested when he had become aware of the concerns expressed by the community.

The City Manager stated that if there had been an existing mechanism for this type of change in the Code, this ordinance would not have been suggested. However, it was his understanding that the existing Code did not allow the changes, and it had to be applied Citywide because there was an equal protection situation to consider. The City Manager did not think anyone was more acutely aware of the need to maintain the trust of the community, and there was no intent to "slap anyone in the face," and all public notice requirements would intact.

The City Manager recommended that the ordinance be presented to the Planning & Zoning Board on December 20, 2000, and it would have to be presented to the Commission again for second reading. He felt the City had to encourage these types of quality developments on the beach that everyone had been trying to attract for a long time.

Commissioner Hutchinson sympathized with the developers because these were signature projects, but she did not support amending the Code due to two glitches with two projects. Commissioner Katz agreed. She hoped the Planning & Zoning Board would review the issue and craft something that was very restrictive, and she did not understand why the developers did not just take these two projects back to the Board under the existing process. Commissioner Katz felt any change over 10% should go back to the Board.

Ms. Hollar advised that these two projects would have to go back through DRC review, Board review and Commission review. The proposed ordinance, however, would allow a decision directly by the Commission. Commissioner Katz understood that process took 4 months. Ms. Hollar did not feel that was an unusual time frame for the process, but staff could attempt to expedite these projects somewhat if that was the Commission's direction.

Mayor Naugle suggested that first reading of the ordinance be deferred to January 3, 2001. In the meantime, staff could work with the community, and the Planning & Zoning Board could consider the ordinance. Commissioner Moore supported the idea due to the concerns about trust. Commissioner Hutchinson noted that this ordinance would apply to the entire City, so she would hope everyone interested would be included in the process.

Motion made by Commissioner Moore and seconded by Commissioner Katz to defer first reading to 6:00 P.M. on January 3, 2001. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Broward County Local Mitigation Strategy (LMS) Plan (R-1)

A resolution was presented supporting Broward County's Local Mitigation Strategy Plan.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-173

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING THE LOCAL MITIGATION STRATEGY ("LMS") ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Amendment to Joint Project Agreement (JPA) – Broward County – Design and Construction of Eight-Inch Water Main in Washington Park (R-2)

A resolution was presented authorizing the proper City officials to execute an amendment to the JPA with Broward County for its design and construction of an eight-inch water main, in conjunction with its construction of sanitary and storm sewers in the Washington Park area of unincorporated Broward County, regarding the costs of construction.

Commissioner Katz wondered why there was an \$810,000 difference between the original estimate and the final estimate. Mr. Paul Bohlander, Assistant City Engineer, stated that the original estimate had come from a consultant working with Broward County. He acknowledged that the original estimate had probably not been reviewed thoroughly in reliance on the consultant. Mr. Bohlander stated that more recent bid prices had been used in making the final estimate, and he believed the prices used had been reasonable. He advised that on a linear foot basis, the original estimate had been just under \$50 each, and the best alternate figure to use for comparison was the City's cost for construction of water mains, which was \$75 per linear foot.

Commissioner Katz understood this was in an unincorporated area and asked Mr. Bohlander to remind her why the City was paying for it. Mr. Bohlander replied that the City was the water supplier for this area. He noted that Broward County was about to make an award for its portion of the project, so the streets were going to be dug up for sanitary sewers and storm drains, so options were limited in terms of doing the City improvements in conjunction with that work.

Commissioner Katz inquired as to the source of the extra \$810,000. Mr. Hector Castro, City Engineer, replied that the Water & Sewer Fund's master water main project account. He stated that had the City not joined forces with the County on this project, the work would have had to be done with City crews or a City contractor. This had been an attempt to construct all these improvements at the same time, and he acknowledged that County staff had convinced City staff that there would be greater economies of scale than now appeared realistic.

Commissioner Moore thought it was a shame that there were improvements needed in Fort Lauderdale for which there was no funding, but there was enough money to cover the miscalculation of another governing body. He understood it would cost more to do this project later, but he felt this was cause for concern.

Mr. Greg Kisela, Assistant City Manager, explained that Fort Lauderdale was a regional provider of water and wastewater services, with twice the City population being provided with water. He pointed out that although these areas were outside the City limits, they were customers. Mayor Naugle believed these lines had to be replaced in any case due to their age and size. Mr. Kisela agreed that was correct.

Commissioner Moore felt the City should contact the County about annexing this particular area. He pointed out that there were various improvements desired along 22nd Road, abutting incorporated and unincorporated areas, and that might make annexation more palatable. Mayor Naugle noted that the subject could be scheduled for consideration, but the last time the issue had been examined, it had been determined that it would cost the City to subsidize this area, which would not generate sufficient tax revenues to cover necessary services. Commissioner Moore understood that, but felt the matter should be reexamined in light of the County's investment in the area. Mayor Naugle did not believe such capital expenditures had much effect on operating expenses or on the assessed value of properties.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-174

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCINDING RESOLUTION NO. 00-146, AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REVISED JOINT PROJECT AGREEMENT WITH BROWARD COUNTY, FLORIDA, PROVIDING FOR INFRASTRUCTURE AND WATER UTILITY FACILITY IMPROVEMENTS WITHIN THE UNINCORPORATED REA KNOWN AS WASHINGTON PARK.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Northwest Area (Executive Airport)
Sanitary Sewer and Stormwater Improvements – Project 9779 –
Construction Completion and Acceptance of Final Assessment Roll (R-3)**

A resolution was presented accepting the Northwest Area (Executive Airport) Sanitary Sewer and Stormwater Improvements project, revising the final assessment roll, crediting each assessment for the difference between the original assessment and the final assessment based on actual construction costs, and establishing a completion date of January 1, 2001. It was announced that the interest rate would be 6.14%.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. A-00-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DETERMINING THAT THE NORTHWEST AREA (EXECUTIVE AIRPORT) SANITARY SEWER AND STORMWATER IMPROVEMENTS, PROJECT NO. 9779 IS COMPLETE AND ACCEPTING THE IMPROVEMENTS; CREDITING EACH ASSESSMENT AS ORIGINALLY MADE; AMENDING THE FINAL ASSESSMENT ROLL AND PROVIDING AN EFFECTIVE DATE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Loan Subordination Policy
for Purchase Assistance Program and Housing Rehabilitation Program (R-4)**

A resolution was presented adopting a Loan Subordination Policy for the Purchase Assistance Program and Housing Rehabilitation Program.

Mayor Naugle understood these subordination agreements would still need the signatures of the Mayor and the City Manager. The City Manager agreed that was correct. Commissioner Katz asked why this was being done. Ms. Faye Outlaw, Housing Manager, explained that this was not a new practice or policy but, in submitting these requests to the City Manager, it had been noted that the policy had been incorporated into the rehabilitation agreements dating back to 1997, but that authority had never been formally approved by resolution. As to the purchase assistance agreements, Ms. Outlaw stated that there had not been a subordination practice or policy established in the past, but this was in keeping with current practice.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-175

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING THE CRITERIA UNDER WHICH AUTHORITY MAY BE DELEGATED TO THE PROPER CITY OFFICIALS TO EXECUTE LOAN SUBORDINATION AGREEMENTS FOR THE CITY OF FORT LAUDERDALE'S PURCHASE ASSISTANCE AND HOUSING REHABILITATION PROGRAMS.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Reschedule January 2, 2001

Conference and Regular Meetings to January 3, 2001 (R-5)

A resolution was presented rescheduling the Tuesday, January 2, 2001 Conference and Regular meetings to Wednesday, January 3, 2001.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-176

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCHEDULING THE JANUARY 2, 2001, REGULAR AND CONFERENCE MEETING OF THE CITY COMMISSION TO JANUARY 3, 2001.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Reschedule January 16, 2001

Conference and Regular Meetings to January 17, 2001 (R-6)

A resolution was presented rescheduling the Tuesday, January 16, 2001 Conference and Regular meetings to Wednesday, January 17, 2001.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-177

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCHEDULING THE JANUARY 16, 2001, REGULAR AND CONFERENCE MEETINGS OF THE CITY COMMISSION TO JANUARY 17, 2001.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Demolition of Buildings (R-7)

At the October 19, 2000 meeting of the Unsafe Structures and Housing Appeals Board, it was recommended that the City demolish the following buildings and assess the properties with costs:

- (1) 6 North Federal Highway (only the east portion damaged by fire)
- (2) 512 Northwest 18th Avenue
- (3) 705 Northwest 6th Street
- (4) 1025 Northwest 5th Court

Commissioner Smith asked that the effective date of the demolition of the building at 6 North Federal Highway be scheduled in 60 days. He understood a proposal would be submitted to the DRC on December 21, 2000, and this was a very important corner property. He believed the intent was to demolish the entire property at one time, and this item pertained only to the eastern portion that had been damaged by fire. Mayor Naugle pointed out that the City had been living with this situation for years, and he did not support allowing extra time. Commissioner Moore had no objection.

Commissioner Hutchinson inquired about the other portions of the property not included in this resolution. Mr. John Smith, Building Official, stated that the bakery was a stand alone building, and that was the structure to be demolished under this resolution. Mayor Naugle preferred to move forward with this and hope the owner would do the right thing and demolish the rest of the buildings on the property. Commissioner Smith stated that the owner had been working on the right type of development for some time, and he had cooperated with the City as much as possible. He said he could wait two more months if the owner would save some money.

Motion made by Commissioner Smith and seconded by Commissioner Moore to allow an additional 60 days before demolition of the building at 6 North Federal Highway. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, and Smith. NAYS: Mayor Naugle.

Ms. Geneva Smith, owner of the structure at 512 Northwest 18th Avenue, said she had decided to demolish the building herself. She advised that she had requested assistance from the City to rebuild the structure, but she had gotten the "runaround." At this point, her husband was not well, so she had decided to demolish it. Ms. Smith believed a demolition permit had been issued.

Ms. Lori Milano, Community Inspections Bureau, stated that she would check in the morning and, if a demolition permit had been issued, the owner would be allowed to move forward without City interference. She thought it might be a little less expensive than having the City do the demolition.

Motion made by Commissioner Moore and seconded by Commissioner Smith to allow the property owner 10 days to obtain a demolition permit, and to authorize the City demolition of the building if she failed to do so. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Motion made by Commissioner Moore and seconded by Commissioner Katz to move forward with the demolition of 705 Northwest 6th Street. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Motion made by Commissioner Moore and seconded by Commissioner Smith to move forward with the demolition of 1025 Northwest 5th Court. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 00-178

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ORDERING THE DEMOLITION OF THE BUILDING OR BUILDINGS UPON EACH PROPERTY LEGALLY DESCRIBED IN THE ATTACHED SCHEDULE "A," BECAUSE OF NON-COMPLIANCE WITH THE SOUTH FLORIDA BUILDING CODE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Building Board-Up and Securing Charges (R-8)

A resolution was presented authorizing the proper City officials to impose liens against certain properties for costs associated with boarding and securing the buildings located thereon.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 00-179

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CHARGING AND ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF SECURING AND BOARDING UP BUILDINGS LOCATED THEREON WHICH WERE FOUND UNSAFE UNDER SECTION 202 OF THE SOUTH FLORIDA BUILDING CODE AND IMPOSING LIENS AGAINST SUCH PROPERTIES; AUTHORIZING AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD CLAIMS OF LIEN AGAINST THE PROPERTIES IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Advisory Board Appointments (OB)

The City Clerk announced the appointees/reappointees who were the subjects of this resolution:

Budget Advisory Board

Lester Alexander
Mickey Hinton

Education Advisory Board

Jeff Moos
Deborah Brown Frederick

Unsafe Structures and Housing
Appeals Board

Patrick A. Davis (Engineer)
Art Bengochea (Architect)

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 00-186

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE,
FLORIDA, APPOINTING BOARD MEMBERS AS SET FORTH IN THE EXHIBIT
ATTACHED HERETO AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

At 12:12 A.M., Mayor Naugle adjourned the meeting.

Jim Naugle
Mayor

Lucy Masliah
City Clerk